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Via Electronic and United States Mail

July 21, 2017

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *WUTC v. Ride the Ducks of Seattle, L.L.C. d/b/a Seattle Duck Tours*
Docket TE-151906, Certificate No. ES-00146
Response to RTDS's Petition to Reinstate "Stretch Duck" Vehicles

Dear Mr. King:

On July 14, 2017, the Commission issued a Notice inviting response to Ride the Ducks of Seattle's petition for reinstatement of its authority to operate its Stretch Duck vehicles. In Order 05, the Commission stated that it would not lift the suspension it imposed on the Stretch Duck vehicles "unless and until the Company demonstrates to the Commission's satisfaction that those vehicles do not pose an immediate danger to public safety." Order at ¶ 24. In its July 12, 2017, filing, the Company included various documents it believes demonstrate that its Stretch Duck vehicles no longer pose an immediate danger to public safety. However, Commission Staff is not satisfied that the Company has met its burden. The letter from Mr. Ryan Johnson, RTDS's Director of Operations and Compliance, which accompanies the Company's filing states:

Ride the Ducks of Seattle has been notified by the Stretch Duck Manufacturer (RTDI) that we *will receive* new axles compliant with the NHTSA Part 573 Safety Recall 16V-859 on or around July 12, 2017 to remedy Part 573 Safety Recall 16V-859. We *intend to install and maintain* the axles to the requirements set by NHTSA Safety Recall Report 16V-859. (Emphasis added.)

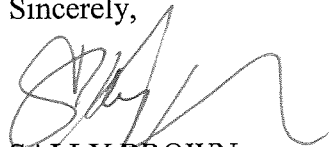
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In light of the prospective nature of these assertions, Commission Staff believes it would be premature for the Commission to lift the suspension as requested. Staff would support such a request if the Company were to:

- Provide verification through a qualified third party, to the satisfaction of the Commission, that the new axle installation in each Stretch Duck vehicle meets or exceeds the applicable federal motor vehicle safety standards.
- Perform an annual inspection in accordance with 49 CFR 396.17 and correct any defects discovered during the inspections.

In addition, Staff proposes to conduct a jurisdictionally mandated Level VII commercial vehicle inspection on each Stretch Duck vehicle the Company proposes to operate.

Sincerely,



SALLY BROWN
Senior Assistant Attorney General
Counsel for Commission Staff

SGB:klg
cc: Parties