

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET TE-151906
)	ORDER 02
Complainant,)	
)	ORDER ADOPTING JOINT
v.)	STIPULATION AND CONTINUING
)	TEMPORARY SUSPENSION OF
RIDE THE DUCKS OF SEATTLE,)	CERTIFICATE
L.L.C. d/b/a SEATTLE DUCK TOURS,)	
)	
Respondent.)	
.....)	

BACKGROUND

- 1 Following emergency adjudicative proceedings conducted pursuant to RCW 34.05.479 on September 28, 2015, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Notice of Emergency Adjudication and Order Suspending Certificate (Order 01). Order 01 suspends Certificate No. ES-00146 to operate and provide excursion services held by Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours (Ride the Ducks or Company) pending the results of a Commission staff (Staff) investigation and inspection of Ride the Ducks’ entire fleet of vehicles, drivers, and operations. The Commission found such swift action was necessary to prevent or avoid immediate danger to the public health, safety, and welfare in the wake of the incident on September 24, 2015, in Seattle involving a Ride the Ducks vehicle that resulted in the death of five people and serious injuries to scores of others. The Commission noticed a hearing for October 1, 2015, to enable the Company to respond to the suspension and to establish appropriate procedures for conducting this adjudication.

- 2 On September 29, 2015, Staff filed a complaint alleging that Ride the Ducks has operated at least one of its vehicles, Duck 6, in an unsafe manner resulting in the incident on September 24. Staff alleges that Ride the Ducks has violated state and federal safety regulations and requests that the Commission suspend the Company’s certificate until Staff has completed its investigation. Staff further requests that the Commission take such action as the results of that investigation warrant.

3 On September 30, 2015, Ride the Ducks and Staff filed a Joint Stipulation in which they stipulated as follows:

1. Ride the Ducks stipulates to the suspension of its excursion certificate (No. ES-00146) pending conclusion of the presently ongoing investigation by the Staff of the Commission.
2. Commission Staff stipulates that, if feasible, it will first investigate the Company's "Truck Duck" vehicles. Unlike the "Stretch Duck" vehicles, which were built on World War II-era chassis and allegedly have defective axles, the Truck Duck vehicles have a different chassis and axle system.
3. The Parties' joint objective is to return to service, if appropriate, within thirty days, those Truck Duck vehicles that have passed regulatory inspection in a satisfactory manner. The Parties' joint objective is also to return to service the "Stretch Duck" vehicles that have passed regulatory inspection in a satisfactory manner, within a reasonable period of time.
4. Within thirty days of the date of this Joint Stipulation, the Parties will confer regarding the status of the investigation and report back to the Commission at that time. The Parties will arrive at and jointly propose a hearing schedule at the conclusion of Staff's investigation.

4 On October 1, 2015, the Commission conducted the hearing noticed in Order 01. Ride the Ducks and Staff agreed that, pursuant to the Joint Stipulation, Staff will conduct a comprehensive investigation and inspection of the Company's vehicles and operations that is not limited to regulatory inspection of those vehicles.¹ Accordingly, the investigation will cover all safety aspects of the Company's operations, including but not limited to the extent and impact of any restricted sight lines, choice of routes, and potential driver distractions. At the hearing, Staff explained the broad nature of this investigation and inspection process, and how it intends to coordinate with other state and federal agencies. These parties also agreed that the thirty days referenced in the Joint

¹ Public Counsel is not a party to the Joint Stipulation, but Public Counsel stated that it has no objection to the Commission adopting that stipulation.

Stipulation is an aspirational goal and that Staff will act promptly and reasonably but will take the time necessary to conduct a complete investigation. Finally, the parties agree that the suspension of Ride the Ducks' certificate will remain in place until the Commission enters an order authorizing resumption of service.

- 5 Patricia K. Buchanan and Duncan K. Fobes, Patterson Buchanan Fobes & Leitch, Inc., P.S., Seattle, represent Ride the Ducks. Sally Brown, Senior Assistant Attorney General, Olympia, represents Staff. Simon ffitch, Senior Assistant Attorney General, Seattle, represents Public Counsel.

DISCUSSION AND DECISION

- 6 We remain deeply concerned with the safety of Ride the Ducks' vehicles and operations in light of the tragic incident on September 24, 2015, that claimed the lives of five people and seriously injured many more. A thorough and complete investigation of the safety of the Company's vehicles and operations is vital to the Commission's mission to protect the public health, safety, and welfare. We will not permit Ride the Ducks to provide excursion services until that investigation is complete and we are satisfied that the Company's fleet of vehicles and operations do not pose a threat to public safety.

- 7 We appreciate Staff's commitment to conduct the requisite investigation expeditiously and comprehensively and the Company's agreement to cooperate with that investigation. We adopt the Joint Stipulation as the Company and Staff clarified that stipulation during the hearing today. Consistent with the thirty-day aspirational goal in the Joint Stipulation, we will conduct a status conference on November 3, 2015, to determine the extent to which Staff has completed or anticipates completing its investigation and to address any resulting procedural issues.

- 8 **THE COMMISSION GIVES NOTICE That the Commission will conduct a status conference in this matter on Tuesday, November 3, 2015, beginning at 9:30 a.m., in the Commission's hearing room, second floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

ORDER

THE COMMISSION ORDERS That

- 9 (1) The Commission adopts the Joint Stipulation filed by Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours and Commission Staff.

- 10 (2) Commission Staff will conduct a comprehensive investigation of the safety of the vehicles and operations of Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours and its compliance with applicable safety regulations and standards.
- 11 (3) Certificate No. ES-00146 to operate and provide excursion services held by Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours remains suspended pending further Commission action.

DATED at Olympia, Washington and effective October 1, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____