

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

RIDE THE DUCKS OF SEATTLE,
L.L.C. d/b/a SEATTLE DUCK TOURS,

Respondent.

DOCKET TE-151906

ORDER 11

GRANTING PETITION TO LIFT
SUSPENSION ON USE OF STRETCH
DUCK #21

BACKGROUND

- 1 On September 24, 2015, an incident occurred on the Aurora Bridge in Seattle involving a Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours (Ride the Ducks or Company) vehicle that resulted in the deaths of five people and serious injuries to many others. On September 28, 2015, the Washington Utilities and Transportation Commission (Commission) conducted emergency adjudicative proceedings pursuant to RCW 34.05.479 and entered Order 01, Notice of Emergency Adjudication and Order Suspending Certificate (Order 01). Order 01 suspended Certificate No. ES-00146 to operate and provide excursion services (Certificate) held by Ride the Ducks pending the results of a Commission staff (Staff) investigation and inspection of Ride the Ducks' entire fleet of vehicles, drivers, and operations.
- 2 On December 22, 2015, the Commission entered Order 05, which, among other things, lifted the suspension of Certificate No. ES-00146 to operate and provide excursion services held by Ride the Ducks using its "Truck Duck" vehicles, but continued the suspension on its "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."¹

3 On July 12, 2017, Ride the Ducks filed with the Commission a petition requesting to reinstate the Company's authority to provide excursion services using its Stretch Duck vehicles. On July 25, 2017, the Commission entered Order 09 denying Ride the Ducks' petition without prejudice and requiring any future petition to satisfy the following requirements:

- 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; and
- Pass a jurisdictionally mandated Level VII commercial vehicle inspection on each Stretch Duck vehicle the Company proposes to operate.

4 On May 29, 2018, Ride the Ducks filed a Petition for Reinstatement of Stretch Duck #21 (Petition). The Company asserts that it has met all of the benchmarks the Commission established in Order 09 for reinstatement of Stretch Duck #21, Washington License Number DUCK 21 (Stretch Duck #21). The Petition includes verification from a qualified third party that the new axle installation in Stretch Duck #21 meets and exceeds applicable federal motor vehicle safety standards; a representation that Ride the Ducks has inspected that vehicle in accordance with 49 CFR 396.17 and found no defects; and a request to coordinate with Staff to conduct a Level VII commercial vehicle inspection on Stretch Duck #21. The Petition also details additional steps Ride the Ducks has taken to ensure the safety of this and its other vehicles. Ride the Ducks requests that the Commission reinstate Stretch Duck #21 following Staff's inspection.

5 On June 11, 2018, Staff filed its response to the Petition. Staff states that it is satisfied Ride the Ducks has complied with the requirements in Order 09 with respect to Stretch Duck #21. Staff conducted a Level VII commercial vehicle inspection on the vehicle and discovered no safety violations. Accordingly, Staff recommends that the Commission allow the Company to resume operations of that vehicle.

¹ Order 05 ¶ 24.

DISCUSSION AND DECISION

- 6 The Commission grants the Petition. We agree with the Company and Staff that Ride the Ducks has complied with the requirements in Order 09 with respect to Stretch Duck #21. A qualified third party has verified that the new axle installation in Stretch Duck #21 meets applicable federal motor vehicle safety standards; Ride the Ducks has inspected that vehicle in accordance with 49 CFR 396.17 and found no deficiencies; and Staff conducted a Level VII commercial vehicle inspection on Stretch Duck #21 and discovered no violations of Commission safety rules. We concur with Staff's assessment and are satisfied that the Company now may safely operate Stretch Duck #21. Thus, we lift the suspension on Ride the Ducks' use of that vehicle to provide excursion services.

ORDER

- 7 THE COMMISSION ORDERS That the Petition of Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours to lift the suspension on its authority to provide excursion services using Stretch Duck #21, Washington License Number DUCK 21, is GRANTED. The Commission lifts the suspension on the Company's use of that vehicle to provide excursion services.

DATED at Olympia, Washington and effective June 18, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner