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Via Electronic and United States Mail

July 3, 2018

Mark L. Johnson, 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" Vehicle 19

Dear Mr. Johnson:

On July 25, 2017, the Commission issued Order 09, denying Ride the Ducks of Seattle's (RTDS) petition to lift the suspension on the use of its Stretch Ducks. The Commission ordered that RTDS must demonstrate that certain requirements had been met before the Commission would lift the suspension on its authority to provide excursion services using Stretch Duck vehicles. Order 09 at 3-4, ¶ 9. The Commission required RTDS 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 carrier safety standards;
- Perform an annual inspection in accordance with 459 CFR Part 396.17 and correct any defect discovered during the inspection; and
- Pass a jurisdictionally mandated Level VII commercial vehicle inspection by Staff on each Stretch Duck vehicle the company anticipates to operate.

On January 22, 2018, the Commission issued Order 10, granting in part and denying in part RTDS's Amended Petition to Reinstate Stretch Duck Vehicles. The Commission lifted the suspension on RTDS's use of Stretch Duck 4, finding that RTDS had complied with the requirements in Order 09 with respect to Stretch Duck 4. The Commission did not, however, lift the suspension as to the other vehicles in the Second Petition because those vehicles had not complied with the requirements in Order 09. The Commission ordered that RTDS "must submit one or more petitions for the remaining Stretch Duck vehicles demonstrating that the Company has satisfied the requirements . . . for each of those vehicles" before any would be reinstated. Order 10 at 4, ¶11.

ATTORNEY GENERAL OF WASHINGTON

Mark L. Johnson
July 3, 2018
Page 2

On June 27, 2018, RTDS filed a Petition for Reinstatement of Stretch Duck 19, which has been fitted with a replacement axle.

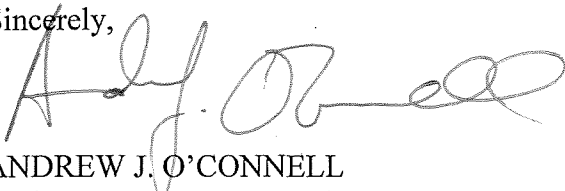
In its Petition, RTDS provided verification that a qualified third party, Recreation Engineering, Inc., performed an onsite inspection of the new axle installation in Stretch Duck 19 to confirm that Stretch Duck 19 meets the applicable federal motor vehicle safety standards. Petition at 4, ¶ 12, Exh. 11. RTDS also provided evidence showing that an annual vehicle inspection that meets the requirements of 49 CFR Part 396.17 was performed on Stretch Duck 19. No defects were noted. Petition at 4, ¶ 13; Exh. 12.

On July 3, 2018, Motor Carrier Safety Staff performed a Level VII vehicle inspection of Stretch Duck 19. No violations were discovered.

Recommendation: Staff is satisfied that RTDS has met the conditions of Order 09 with respect to Stretch Duck 19. Staff accordingly recommends that the Commission allow RTDS to resume operation of Stretch Duck 19.

If you have questions about this recommendation, please contact Motor Carrier Safety Supervisor Jason Sharp at 360-664-1238 or at jason.sharp@utc.wa.gov.

Sincerely,



ANDREW J. O'CONNELL
Assistant Attorney General
Counsel for Commission Staff

AJO:emd
cc: Parties