



Assignment Report

Motor Carrier Safety

New Entrant? Yes No Was a CR conducted between 6-18 months after the permit was issued? Yes No

1. Investigator(s): Gagne 2. Assignment No.: 116178
 3. Current Date: 2/2/2017 4. Date of Activity: 2/1/2017
 5. Carrier Name: Ride the Ducks of Seattle
 6. Company ID: M36686 7. Industry Code: 232 8. USDOT #: 1905507
 9. Carrier is: Intrastate Yes No Intra and Interstate

10. Destination Check

- Has a copy of the Destination Check Safety plan been attached? Yes No
- Any special emphasis placed on the destination check? Yes No
- Describe Special Emphasis: _____

11. Compliance Review

- SI Rating: Satisfactory Unsatisfactory Conditional Not Rated
- Number of Current Vehicles: 10 ▪ Number of Current Drivers: 24
- Total Miles Prior Year: 95,460 ▪ Recordable Accidents Prior Year: 1
- Accident Ratio: _____

CSA Investigation: Yes No Full Investigation Focused Investigation
 Carrier Type: Passenger Carrier Property Carrier Other: _____

12. Part B Violations

Part	Violations	Part	Violations	Part	Violations
382/40		383		387	
390		391		392	
395		396		397	

13. Vehicle Inspection Data

	MB 16+						
Inspections	5						
Defective Vehicles	0						
OOS Vehicles	0						
Level	7						

14. Vehicle Inspection Violations

Comments:						

15. Driver Inspection Violations

Medical Card	Medical Waiver	Hours of Service	Driver's License
Comment:			

16. Relevant Carrier History:

On May 3, 2016, the commission conditionally approved and adopted a settlement agreement in Docket TE-151906 Order 08 between Ride the Ducks and staff. In the agreement the commission suspended \$152,000 of a total penalty (\$308,000) on the condition that Ride the Ducks commits no new violations of the following laws or regulations for a period of 24 months from the date of the order:

- (a) 49 CFR Part 383.37; Drivers must possess valid commercial driver licenses;
- (b) 49 CFR Part 391.45; Drivers must be medically examined and certified;
- (c) 49 CFR Part 391.51 (b) (7); Company must maintain medical examiner's certificates in each driver qualification file;
- (d) 49 CFR Part 395.5; Company must enforce maximum driving time rules;
- (e) 49 CFR Part 395.8; Drivers must record their duty status for each 24-hour; and
- (f) RCW 81.04.530.; Company must establish and maintain a controlled substance and alcohol program.

In accordance with TE-151906 an investigation was conducted on July 11, 2016 and completed on July 28, 2016 covering the period from the closing date of the previous investigation, December 15, 2015 through July 11, 2016. That investigation found one violation of CFR 391.21 (a) Using a driver who has not completed and furnished an employment application, and three violations of CFR 395.8(h) (5) Failing to record the name of the city, town or village, with State abbreviation where each change of duty status occurs. There were no acute or critical violations discovered. No further action was recommended at the completion of the investigation.

17. Findings:

Ride the Ducks of Seattle LLC has corrected all previously discovered violations. No violations were discovered at the completion of this unrated review.

18. Recommended Safety Action: Yes No

- Require the company to submit a compliance plan in response to the 15 day letter requirement.
- Require the company to submit a compliance plan in response to the 385 letter requirement (45 days).
- Recheck – Safety Investigation (Date: 2/15/2018)
- Revisit to recheck a specific issue (Date: _____)
- Send the company a compliance letter. Require a response: Yes No
- Issue administrative penalties.
- Issue a complaint.
- Stop company operations.

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Motor Carrier Safety

19. Is this carrier considered a high risk carrier as a result of this activity? Yes No

<input type="checkbox"/> Carrier accident ratio is higher than aggregate ratio.
<input type="checkbox"/> Carrier had an out-of-service ratio 25% higher at the last vehicle inspection.
<input type="checkbox"/> Carrier had a defect ratio 75% or higher at the last vehicle inspection.
<input type="checkbox"/> Carrier received more than one conditional or unsatisfactory safety investigation rating in more than one of the last four safety investigations (or less than four if four are not completed).
<input type="checkbox"/> Other (please explain):

20. Additional Comments:

Ride the Ducks of Seattle has developed very proactive practices with regard to vehicle maintenance and drivers' hours of service. They have expressed interest in discussing their programs with other carriers should the commission develop such a forum.
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Investigator's Signature: Francine Gagne Date: 2/2/2017

OFFICE USE ONLY

Initial Review By:  Date: 2/10/2017

Initial Reviewer's Recommendation: This is a non-rated follow-up compliance investigation and no new violations or repeat violations were discovered. Agree with recommendation to conduct final compliance investigation within 24 months from Order 08 in Docket TE-151906 (no later than May 3, 2018.

Final Review By: _____ Date: _____

Final Reviewer's Recommendation: _____


Internal Processing

Date Closed: 02/15/2017 By: 

Company Name: Ride the Ducks of Seattle

Assignment #: 116178 Staff Assigned: Gagne

Washington Utilities and Transportation Commission

	US DOT # 1905507	Legal: RIDE THE DUCKS OF SEATTLE			
		Operating (DBA):			
MC/MX #:	State #: ES-146	Federal Tax ID: [REDACTED]		(EIN)	
Review Type: Non-ratable Review - Minibus/Van					
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types					
	Interstate	Intrastate			
Carrier:	N/A	Non-HM	Business: Corporation		
Shipper:	N/A	N/A	Gross Revenue: \$9,596,062.00		for year ending: 12/31/2016
Cargo Tank:	N/A				
Company Physical Address:					
516 BROAD STREET SEATTLE, WA 98109					
Contact Name: Ryan Johnson					
Phone numbers: (1) 206-441-4687		(2) 206-789-0790		Fax 206-441-4697	
E-Mail Address: ryan@ridetheducksofseattle.com					
Company Mailing Address:					
516 BROAD STREET SEATTLE, WA 98109					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Passengers					
Equipment					
	Owned	Term Leased	Trip Leased	Owned	Term Leased
Minibus, 16+	10	0	0		
Power units used in the U.S.: 10					
Percentage of time used in the U.S.: 100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:		24	Total Drivers: 24		
>= 100 Miles:			CDL Drivers: 24		





RIDE THE DUCKS OF SEATTLE

U.S. DOT #: 1905507

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Review Date:

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Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or rules may be addressed to the UTC Attn: Francine Gagne at:

PO Box 47250
Olympia, WA 98504-7250
Phone: (360) 664-1231 Fax: (360) 586-1150 Email: fgagne@utc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Ryan Johnson

Title: Director of Operations

Name: Moti Krauthamer

Title: Director of Safety





RIDE THE DUCKS OF SEATTLE
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Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 95,460
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 5
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





Part B Requirements and/or Recommendations

1. • Understand Why Compliance Saves Time and Money Compliance with MCSR's will not only save lives but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
 - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: A pattern and/or repeated violations of the same related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
 - NOTICE: 49 CFR Part 391.2 requires prospective employers to at a minimum, investigate a driver employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

 - All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>





RIDE THE DUCKS OF SEATTLE

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Part C

Reason for Review: Enforcement Follow-up

Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

11/5/2015

Prior Prosecutions

2/9/2016

Reason not Rated: Minibus/Van

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Ryan Johnson

Corporate Contact Title: Director of Operations

Special Study Information:

Remarks:

Name: Brian Tracey

Title: CEO, President, and Owner

Carrier/Shipper Name: Ride the Ducks of Seattle, LLC dba Ride the Ducks of Seattle

Date: February 27, 2017

REASON FOR THE INVESTIGATION:

Ride the Ducks of Seattle, LLC dba Ride the Ducks of Seattle (Ride the Ducks) was investigated due to a fatal accident that took place on September 24, 2015. Docket TE-151906, Order 06 instructs commission staff (staff) to conduct a follow-up review within six months from January 27, 2016 and again one year from January 27, 2016. This investigation was assigned to Special Investigator Francine Gagne as part of the work plan.

SCOPE OF THE INVESTIGATION:

On May 3, 2016, the commission conditionally approved and adopted a settlement agreement in Docket TE-151906 Order 08 between Ride the Ducks and staff. In the agreement the commission suspended \$152,000 of a total penalty (\$308,000) on the condition that Ride the Ducks commits no new violations of the following laws or regulations for a period of 24 months from the date of the order:

- (a) 49 CFR Part 383.37; Drivers must possess valid commercial driver licenses;
- (b) 49 CFR Part 391.45; Drivers must be medically examined and certified;
- (c) 49 CFR Part 391.51 (b) (7); Company must maintain medical examiner's certificates in each driver qualification file;
- (d) 49 CFR Part 395.5; Company must enforce maximum driving time rules;
- (e) 49 CFR Part 395.8; Drivers must record their duty status for each 24-hour; and
- (f) RCW 81.04.530.; Company must establish and maintain a controlled substance and alcohol program.

In accordance with TE-151906 an investigation was conducted on July 11, 2016 and completed on July 28, 2016 covering the period from the closing date of the previous investigation, December 15, 2015 through July 11, 2016. That investigation found one violation of CFR 391.21 (a) Using a driver who has not completed and furnished an employment application, and three violations of CFR 395.8(h) (5) Failing to record the name of the city, town or village, with State abbreviation where each change of duty status occurs. There were no acute or critical violations discovered. No further action was recommended at the completion of the investigation. This investigation of Ride the Ducks covers the period from the closing date of the previous investigation, July 12, 2016 through January 18, 2017. SMS was checked at the start of the investigation and Ride the Ducks exceeded the Federal Motor Carrier Safety Administration's (FMCSA) threshold and/or was cited with one or more Acute/Critical violations within the past 24 months during an investigation. SMS shows Ride the Ducks was involved in one recordable accident since December 15, 2015.





RIDE THE DUCKS OF SEATTLE

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Staff contacted Ryan Johnson (Director of Operations) on January 12, 2017 and the process of a follow-up safety investigation was discussed. The investigation was set for January 18th at the carrier's Principle Place of Business (PPOB) located at 4203 9th Ave NW, Seattle, WA 98107. An appointment letter and safety questionnaire was emailed to Mr. Johnson on January 12, 2017.

Moti Krauthamer (Director of Safety) and Mr. Johnson were present at the start of the review. Safety Investigator Francine Gagne was also present. Margaret Singbeil (Finance Manager) is no longer employed by Ride the Ducks. A comprehensive investigation was performed and completed on February 27, 2017.

CARRIER OPERATION DESCRIPTION:

Governing Officials:

- Brian Tracey, CEO, President, and Owner
- Michele Coffman, General Manager
- Ryan Johnson, Director of Operations
- Moti Krauthamer, Director of Safety
- Joe Hatten, Maintenance Manager

Ride the Ducks filed with the Washington State Secretary of State in April 1999. Ride the Ducks is a for-hire excursion service carrier providing specialized land and water tours in amphibious vehicles in Seattle. Ride the Ducks operates only in the greater Seattle area. Ride the Ducks currently operates ten "Truck Duck" (converted military amphibious vehicle) vehicles with a GVWR up to 20,500 lbs. Ride the Ducks currently has 24 CDL drivers. Since December 15, 2015, Ride the Ducks employed 37 CDL drivers. Ride the Ducks reported an annual gross revenue of \$9,565,062 for the fiscal year ending on December 31, 2015. Ride the Ducks houses its vehicles inside at its PPOB. Ride the Ducks reported operating 95,460 miles in the previous twelve months. Ride the Ducks was not involved in any emergency relief efforts since December 15, 2015. As a result of the September 24, 2015, accident Ride the Ducks changed its route and no longer uses the Aurora Bridge. Ride the Ducks tours now feature two employees. One employee is responsible for the operation of the vehicle and one is responsible for the tour narration.

PRE-INVESTIGATION:

On January 12, 2017, an appointment letter and safety questionnaire was emailed to Ryan Johnson, Director of Operations at Ride the Ducks explaining the investigation process, the records that would need to be reviewed and the information the carrier would need to make available. The records and documents that were requested were as follows:

Accident Information:

A list of all accidents for the past 365 days from date of review.

1. Including: driver's full name;
2. Accident date;
3. Number of injuries or fatalities;
4. Number of vehicles towed due to disabling damage.
5. Indicate whether or not driver was cited for a moving violation.

Qualification Files:

Qualification files for all drivers used within the past 12 months.

If they had drivers assigned to other locations, be prepared to identify each driver's status.

1. Terminal location;
2. Local vs. long haul;
3. Type of equipment operated;
4. Company or leased.

Insurance & Economic Documentation:

- A current copy of valid insurance.
- A current copy of Form MCS-150.
- A current copy of your Washington state authority.

Equipment Maintenance:

All maintenance files and records for each unit, including leased units. Files and records including evidence of annual inspections, repair receipts, maintenance schedules, certifications or qualifications of persons performing annual inspections and brake repair and adjustments.

Copies of daily vehicle inspection reports, (DVIR's) for the last three months.

Drug and Alcohol Records:

- All administrative records related to alcohol and controlled substances testing.
- If you are enrolled with a consortium, obtain the current list of drivers for your company.



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Part C**Other records including:**

1. Annual report for previous year;
2. Pre-employment test results for all drivers hired in the last 365 days;
3. Random selection list and test results;
4. Educational materials provided to drivers;
5. Company written drug and alcohol policy.

Ride the Ducks completed the safety questionnaire and emailed it back on January 13, 2017. Ride the Ducks was cooperative and made all records available.

CDLIS (DRIVER LICENSE) CHECK:

20 commercial driver licenses were checked through CDLIS on January 17, 2017. Each driver had at least a class C commercial driver license with a passenger endorsement. 12 of the driver licenses checked are non-excepted intrastate and eight of the 20 are non-excepted interstate. See part 383 for details.

AUTHORITY

Ride the Ducks is a for-hire passenger carrier operating in intrastate commerce and has a valid Charter and Excursion Bus Certificate, ES-146 issued by the commission. Ride the Ducks operates under the USDOT number 1905507. On September 28, 2015, the commission ordered an emergency suspension of Ride the Ducks' excursion service carrier authority in Docket TE-151906, Order 01. The commission subsequently entered Order 05 and lifted the suspension on December 22, 2015. Order 05 did not lift the suspension of Ride the Ducks' "Stretch Ducks." Ride the Ducks resumed operations in January 2016 and is not currently operating any "Stretch Duck" vehicles. The "Stretch Duck" license plates have been removed from the vehicles.

INSURANCE

Ride the Ducks is a for-hire passenger carrier operating in intrastate commerce and is required to maintain a minimum level of public liability of \$5,000,000. Insurance was checked through the commission's SharePoint Portal. Ride the Ducks maintains \$5,000,000 coverage. There has been no lapse in coverage since December 15, 2015. See Part 387 for details.

RED FLAG DRIVERS:

No Red Flag drivers were found at the start of the investigation.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW

This is a follow-up comprehensive investigation therefore a Drug and Alcohol Supplemental Review is not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW

Ride the Ducks does not transport hazardous materials.

INVESTIGATION:

Parts 171, 172, 173, 177, 178, 180, & 397 Hazardous Materials

Ride the Ducks does not transport any hazardous materials.

Part 376 Lease and Interchange of Vehicles

Ride the Ducks does not lease vehicles.

Part 380 Special Training

Ride the Ducks does not operate long combination vehicles (double trailers exceeding 80,000 lbs. GVWR) in commerce and was not checked for LCV driver training certification. Ride the Ducks has entry-level drivers and had entry-level driver certificates on file for all drivers checked.

Part 382 Controlled Substances and Alcohol Use and Testing

Ride the Ducks is currently enrolled in a random controlled substance and alcohol testing program with Aurico Reports, Inc. (Aurico). Aurico is located at 116 W. Eastman Street Arlington Heights, IL 60004. The contact at Aurico is Joe Conerty. Mr. Conerty's telephone number is (312) 698-0275.

Aurico has a program named E-Screen which allows Ride the Ducks staff to pull (but not modify) records such as summaries and test results. Ride the Ducks can add or remove drivers as needed. Draws are made quarterly for random drug testing. Mr. Johnson is notified of the random selections. Investigator Gagne witnessed Mr. Johnson pull up the requested reports from E-Screen.





Part C

The current list of drivers in the random pool is compliant.

The testing rate required for controlled substances is 50% and 10% for alcohol of the average number of drivers. Ride the Ducks quarterly average number of drivers was 20 for 2016 requiring 10 controlled substance and two alcohol tests.

Ride the Ducks tested at above required rates by completing 34 controlled substance and 15 alcohol tests for 2016.

Mr. Johnson is responsible for handling Ride the Ducks' drug and alcohol testing program and is specifically named as the Drug Employee Representative (DERR) in Ride the Ducks' drug and alcohol policy. Mr. Johnson received at least 60 minutes of training on alcohol misuse and controlled substance and provided a certificate.

No positive tests were identified. No reasonable suspicion tests were conducted.

Ride the Ducks hired one CDL driver since July 12, 2016. The pre-employment test result for Daniel Droge was checked to verify the driver did not operate a CDL vehicle prior to Ride the Ducks receiving a negative test result for that driver. The drug test results compared to the driver's record of duty status (RODS) show that no driver operated a commercial motor vehicle before Ride the Ducks received negative drug test results.

No post-accident tests were required.

Part 383 Commercial Driver's License

The license history of 20 CDL drivers currently employed by Ride the Ducks was checked. Checks were conducted through CDLIS. All drivers were properly licensed with at least a Class C CDL and Passenger endorsement for the vehicles being operated.

Part 387 Financial Responsibility

The Form E on file at the commission shows Ride the Ducks has public liability limits of \$5,000,000 and its vehicles are insured effective April 15, 2016, by National Continental Insurance Company under Policy CPW55289616. Ride the Ducks provided a copy of a Certificate of Liability Insurance which shows primary liability limits of \$5,000,000. Ride the Ducks' insurance agent is Kim Bell. The telephone number is (417) 841-3210. Staff contacted Ms. Bell and requested a loss run report. The loss run report shows no recordable accidents from July 12, 2016 through January 18, 2017.

No other recordable accidents were discovered.

Part 390 General

Ride the Ducks was involved in one recordable accident since December 15, 2015. The accident took place on March 31, 2016, in Duck 7. One of the vehicles involved in the accident was towed and no one received a citation. Ride the Ducks has an accident register on file showing the accident.

Ride the Ducks' MCS-150 was updated on July 12, 2016. Vehicle Miles Travelled (VMT) was 163,365 in 2015.

Ride the Ducks vehicles are properly marked in accordance with CFR 390.21.

Part 391 Qualification of Drivers

Ride the Ducks currently employs 24 CDL drivers and used 37 CDL drivers since December 15, 2015. A sample size of five driver qualification (DQ) files were checked. Sarah Chido, Jeremy Temple, Ryan Hawkins, Scott Somerville and Randal Nelson were reviewed.

All driver files were in compliance.

Each of the five drivers checked had a current medical certificate on file. Ride the Ducks noted the medical certificates were issued by members of the National Registry of Certified Medical Examiners by printing out the National Registry Website and noting the printout.

In accordance with FMCSA Memorandum MC-ECS-2012-004 two driver's medical certificates were required to be verified. Both medical certificates were confirmed valid and it was verified the doctors are listed on the national registry.

Name: Curt Nakon
Date of Birth: [REDACTED]





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License Number: [REDACTED]
ME's License/Certificate Number: MD 60064778
Date of Issuance of the MEC: March 21, 2016
National Registry Identification Number: 4093671940
Phone Number: [REDACTED]
Date and Time Contacted: January 25, 2017@ 1:56PM
Results MEC Check: Confirmed

Name: Ryan Hawkins
Date of Birth: [REDACTED]
License Number: [REDACTED]
ME's License/Certificate Number: T0004996
Date of Issuance of the MEC: July 1, 2016
National Registry Identification Number: 5482162385
Phone Number: [REDACTED]
Date and Time Contacted: January 25, 2017@ 2:08 PM
Results MEC Check: Confirmed

Part 392 Driving of CMV's and Authority

Ride the Ducks is an intrastate carrier and required to submit an annual report each year and pay regulatory fees. Ride the Ducks submitted its annual report and paid its regulatory fees for 2016 on April 26, 2016. Ride the Ducks is not required to pay UCR fees.

Part 395 Hours of Service

Since December 15, 2015, Ride the Ducks has employed 37 CDL drivers. Ride the Ducks currently employs 24 drivers. Seven drivers' hours of service records were checked for a period of 30 days within the past six months. A total of 210 Records of Duty Status (RODS) were checked. The records of drivers Randy Graham, Scott Somerville, Curt Nakon, Ryan Hawkins, Randal Nelson, Sarah Chido and Jeremy Temple were reviewed. Ride the Ducks operates under the exemption found in CFR Part 395.1 (e) (100 air-mile radius) which allows motor carriers to use timecards in place of logbooks. The exemption states the driver of a passenger-carrying commercial motor vehicle must have at least eight hours off duty between each 12 hours on duty, the driver must be released from work within 12 consecutive hours, the driver cannot drive more than 10 hours following eight consecutive hours off duty, and the driver must operate within a 100 air-mile radius of the normal work reporting location. The motor carrier is required to retain the records for six months. The records must include the time the driver starts for duty each day, the total hours the driver is on duty each day, the time the driver is released from duty each day, and the total time for the preceding seven days for drivers used for the first time or intermittently. Ride the Ducks operates every day of the week and is not permitted to allow a driver to be on duty 70 hours in any period of eight consecutive days.

A 30 day period in August 2016 was reviewed. RODS were checked by comparing payroll, timecards, logbooks, timesheets, fuel receipts, and a tours worked spreadsheet. Mr. Johnson created and maintains an extensive spreadsheet where he both records and schedules driver hours. Copies of the week to date information are shared with additional Ride the Duck staff, including Joe Hatten, and drivers are required to prove their awareness of week to date hours before Mr. Hatten allows them to depart for the days run. Ride the Ducks utilizes a punch clock to record weekly hours as well as a computer program called "Keep Truckin" which creates log pages for drivers on days they exceed twelve hours.

No false records were discovered. No 10, 15, or 70 hour violations were discovered. Logs were created when drivers exceeded the limitations of the Short Haul provision as required. None of the drivers sampled had an Out-of-Service violation listed on the carrier profile since December 15, 2015.

Part 393 & 396 Maintenance and Inspection

Maintenance on Ride the Duck vehicles is performed at Ride the Ducks' PPOB. Ride the Ducks started using a specialized program in 2011 for its maintenance needs. The program has built in reminder capabilities, parts inventory tracking, and CDL or medical certificate renewal reminders. In general Ride the Ducks begins with the manufacture recommendation for maintenance of its vehicles. The program can be adjusted to increase the frequency of a specific maintenance item. The program alerts maintenance staff at requested time or mileage intervals. The program monitors parts based on miles, hours, and days. Each morning maintenance staff checks the program and a list of reminders shows which specific vehicles are due for service, what parts are low or missing, and which vehicle is due for a 90 day inspection. According to maintenance staff Ride the Ducks performs a 240 hour inspection of its vehicles every 90 days. Mechanics conduct a pre-trip inspection the night before a vehicle is operated. If for some reason a vehicle is placed out of service an email is



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Part C

distributed to all of the parties involved in safety, including dispatch. Ride the Ducks uses a whiteboard to show the status of each vehicle. A tire company comes in once a month to check the PSI of the Ride the Ducks vehicles. Maintenance is responsible for monitoring tire tread and notifies the lead mechanic if tread is getting low.

Ride the Ducks staff is aware of and actively monitoring the status of the recall related to the front axle of the stretch ducks. A new monitoring procedure regarding the work detailed in service bulletins has been implemented for each Duck. A separate binder for each vehicle has been created so that service bulletin related work can be tracked and monitored.

Present during the time of this review was a third party consultant, invited by Ride the Ducks, to evaluate the maintenance program. Jeffery W. Abendshien is the Vice President of Recreational Engineering from Las Vegas, NV. He has extensive mechanical experience with Duck fleets throughout the United States. Mr. Hatten explained to me that Ride the Ducks has instituted a new procedure for all of their front axles where each potential new axle was first run through a "nondestructive test" (NDT) procedure where minute cracks can be observed. Mr. Hatten stated that the tolerance for cracks in axles for Ride the Ducks is above that of the general automotive industry. Mr. Abendshien is a NDT Level III and is very familiar with this procedure. Mr. Abendshien stated he was having a "difficult time" finding any violations regarding the Ride the Ducks maintenance program.

The maintenance files of Duck 10, 12, 14, 16, and 18 were selected for review. Each of the maintenance files had a current annual inspection as follows:

Duck 10 -Annual inspection December 7, 2016.

Duck 12 -Annual inspection December 10, 2016.

Duck 14 -Annual inspection December 17, 2016.

Duck 16 -Annual inspection December 15, 2016.

Duck 18 - Annual inspection September 29, 2016.

Inspector qualifications as required by CFR Part 396.19(a) (1) and brake inspector qualifications as required by CFR Part 396.25(d) are present as required.

Bus pushout windows, emergency doors, and emergency door marking lights are required to be checked at least every 90 days. Ride the Ducks uses a "Duck Emergency Exit Inspection" worksheet. The Daily Vehicle Inspection Report (DVIR) shows that drivers and mechanics check the, "... condition of entryway door(s)" and "... verify side curtain operation and release handles ..." each time the vehicle is operated. The vehicles do not have "push-out" windows.

A total of 150 DVIRs from Duck 10, 12, 14, 16, and 18 were reviewed (30 each). The reviewed DVIRs were within 90 days from the start of the review. A Ride the Ducks mechanic completes a pre-trip inspection of the vehicle the night before it is operated. The mechanic initials and signs the pre-trip column. The driver comes on duty in the morning and performs another pre-trip inspection prior to operating the vehicle. The driver also initials and signs the pre-trip column of the DVIR. The driver reviews the DVIR from the prior day and signs the current DVIR verifying that any defects noted on the previous day were repaired or need not be repaired for safe operation of the vehicle. At the completion of the day's tours the driver performs a post-trip inspection. The driver initials and signs the post-trip column of the DVIR. The driver records any defects in a box at the bottom of the DVIR. A mechanic reviews the DVIR that night and make any necessary repairs. Repairs are recorded in a box on the right side of the DVIR. If parts are needed for the repair the mechanic will generate a work order using the specialized program referenced earlier in this report. If a vehicle is found to have an out of service defect the vehicle is "red-tagged." All of the DVIRs that had a defect noted were certified as repaired or not needed for safe operation of the vehicle. The next driver signed the DVIR to verify repairs were completed or not needed. Work orders were reviewed to ensure that repairs were made. No violations were discovered.

Five level seven vehicle inspections were completed. Duck 7, 9, 10, 11, and 12 were inspected and passed inspection. All five vehicles inspected had proof of a periodic inspection.

CLOSING INTERVIEW

The closing was performed on February 27, 2017 via telephone. From the commission Francine Gagne was present. From Ride the Ducks Ryan Johnson was present. This investigation is an unrated review.

DOCUMENTS GIVEN TO THE CARRIER

A copy of the investigation was provided to Ride the Ducks.

FOLLOW-ON ACTION:

No new violations of the laws or regulations outlined in Docket TE-151906 Order 08 were identified. A follow-up compliance





RIDE THE DUCKS OF SEATTLE
U.S. DOT #: 1905507

State #: ES-146

Review Date:
02/27/2017

Part C

review will be scheduled in February 2018. Order 06 requires commission staff to conduct another compliance review again after two years from the date of the Order.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:



DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Washington State Patrol
Commercial Vehicle Enforcement Section
PO Box 42614
Olympia, WA 98504-2614
360-596-3815 safetynet@wsp.wa.gov

Report Number: WAU005000155
Inspection Date: 01/18/2017
Start: 09:18 AM PT End: 9:55:00 AM PT
Inspection Level: VII - Jurisdictional Mandate
HM Inspection Type: None

RIDE THE DUCKS OF SEATTLE
516 BROAD STREET
SEATTLE, WA 98109

USDOT#: 01905507 Phone#: (206)441-4687
MC/MX#: Fax#:
State#:

Location: 4203 9TH AVE NW
Highway: I5
County: KING, WA

MilePost: Shipper:
Origin: SEATTLE, WA Bill of Lading:
Destination: SEATTLE, WA Cargo: EMPTY

Driver: License#: State:
Date of Birth:
CoDriver: License#: State:
Date of Birth:

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Row 1: 1, BU, UNK, 1952, WA, DUCK7, DUCK 7, M23508, 26,000

BRAKE ADJUSTMENTS

Table with columns: Axle #, 1, 2, 3. Rows: Right (N/A, N/A, N/A), Left (N/A, N/A, N/A), Chamber (HYDR, HYDR, HYDR)

VIOLATIONS: No Violations Were Discovered.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks.

Report Prepared By:
FRANCINE GAGNE

Badge #:
WAU583

Copy Received By:

Page 1 of 1

Signature of Francine Gagne

Signature of Joe M. Hatter



01905507 WA WAU005000155

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Washington State Patrol
Commercial Vehicle Enforcement Section
PO Box 42614
Olympia, WA 98504-2614
360-596-3815 safetynet@wsp.wa.gov

Report Number: WAU005000157
Inspection Date: 01/18/2017
Start: 10:26 AM PT End: 11:07:00 AM PT
Inspection Level: VII - Jurisdictional Mandate
HM Inspection Type: None

RIDE THE DUCKS OF SEATTLE
516 BROAD STREET
SEATTLE, WA 98109

USDOT#: 01905507 Phone#: (206)441-4687
MC/MX#: Fax#:
State#:

Location: 4203 9TH AVE NW
Highway: I5
County: KING, WA

MilePost: Shipper:
Origin: SEATTLE, WA
Destination: SEATTLE, WA

Bill of Lading:
Cargo:

Driver: License#: State:
Date of Birth:
CoDriver: License#: State:
Date of Birth:

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Row 1: 1, BU, UNK, 1966, WA, DUCK10, DUCK 10, 4J0520, 26,000

BRAKE ADJUSTMENTS

Table with columns: Axle #, 1, 2, 3; Right, Left, Chamber. Values: N/A, N/A, N/A; HYDR, HYDR, HYDR

VIOLATIONS: No Violations Were Discovered.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks.

Report Prepared By:
FRANCINE GAGNE

Badge #:
WAU583

Copy Received By:

Page 1 of 1

Signature of Francine Gagne

Signature of Joe M. Hatter



01905507 WA WAU005000157

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Washington State Patrol
Commercial Vehicle Enforcement Section
PO Box 42614
Olympia, WA 98504-2614
360-596-3815 safety@wsp.wa.gov

Report Number: WAU005000158
Inspection Date: 01/18/2017
Start: 11:10 AM PT End: 11:38:00 AM PT
Inspection Level: VII - Jurisdictional Mandate
HM Inspection Type: None

RIDE THE DUCKS OF SEATTLE
516 BROAD STREET
SEATTLE, WA 98109

USDOT#: 01905507 Phone#: (206)441-4687
MC/MX#: Fax#:
State#:

Location: 4203 9TH AVE NW
Highway: I5
County: KING, WA

MilePost:
Origin: SEATTLE, WA
Destination: SEATTLE, WA

Driver:
License#: State:
Date of Birth:
CoDriver:
License#: State:
Date of Birth:

Shipper:
Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Row 1: 1, BU, UNK, 1980, WA, DUCK11, DUCK 11, 525-11792, 26,000

BRAKE ADJUSTMENTS

Table with columns: Axle #, 1, 2, 3. Rows: Right (N/A, N/A, N/A), Left (N/A, N/A, N/A), Chamber (HYDR, HYDR, HYDR)

VIOLATIONS: No Violations Were Discovered.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks.

Report Prepared By:
FRANCINE GAGNE

Badge #:
WAU583

Copy Received By:

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Signature of Francine Gagne

Signature of Joe M. Hatter



01905507 WA WAU005000158

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Washington State Patrol
Commercial Vehicle Enforcement Section
PO Box 42614
Olympia, WA 98504-2614
360-596-3815 safetynet@wsp.wa.gov

Report Number: WAU005000159
Inspection Date: 01/18/2017
Start: 11:40 AM PT End: 12:17:00 PM PT
Inspection Level: VII - Jurisdictional Mandate
HM Inspection Type: None

RIDE THE DUCKS OF SEATTLE
516 BROAD STREET
SEATTLE, WA 98109

USDOT#: 01905507 Phone#: (206)441-4687
MC/MX#: Fax#: State#:

Location: 4203 9TH AVE NW
Highway: I5
County: KING, WA

MilePost: Shipper:
Origin: SEATTLE, WA
Destination: SEATTLE, WA

Bill of Lading:
Cargo: EMPTY

Driver: License#: State:
Date of Birth:
CoDriver: License#: State:
Date of Birth:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	BU	UNK	1972	WA	DUCK12	DUCK 12	M60331	26,000			

BRAKE ADJUSTMENTS

Axle #	1	2	3
Right	N/A	N/A	N/A
Left	N/A	N/A	N/A
Chamber	HYDR	HYDR	HYDR

VIOLATIONS: No Violations Were Discovered.

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: No Data for Special Checks.

Report Prepared By:
FRANCINE GAGNE

Badge #:
WAU583

Copy Received By:

Page 1 of 1

x Francine Gagne

x Joe M. Hatten



01905507 WA WAU005000159