


WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

	US DOT # 1905507	Legal: RIDE THE DUCKS OF SEATTLE Operating (DBA): SEATTLE DUCK TOURS
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MC/MX #:	State #: ES-146	Federal Tax ID: 91-1882503 (EIN)
Review Type: Compliance Review (CR)		
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: \$172,500.00	for year ending: 12/31/2012
Cargo Tank: N/A				

Company Physical Address:

516 BROAD STREET
SEATTLE, WA 98109

Contact Name: Trisha Fridrich		
Phone numbers: (1) 206- 441-4687	(2)	Fax
E-Mail Address:		

Company Mailing Address:

516 BROAD STREET
SEATTLE, WA 98109

Carrier Classification

Other: Intra bus

Cargo Classification

Passengers

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:		35	Total Drivers: 35	
>= 100 Miles:			CDL Drivers: 35	

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Minibus, 16+	17	0	0			

Power units used in the U.S.: 17

Percentage of time used in the U.S.: 100





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01/24/2013

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

WUTC
1720 Ellis St. #200
Bellingham, WA 98225

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Trisha Fridrich

Title: Director of Finance and Market

Name: Ryan Johnson

Title: Operations Manager





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Part B Violations

1 STATE	Primary: 390.19(a)(2) CFR Equivalent: 390.19(a)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Failing to file a Motor Carrier Identification Report, Form MCS-150 every 24 months in accordance with the specified schedule.

Example

David Carr
9-21-12
Failure to update Form MCS-150 during calendar year 2011

2 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 2	Checked 396	Drivers/Vehicles In Violation	Checked 7
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Description

Failing to require driver to make a record of duty status.

Example

9-8-12 and 9-21-12
David Carr

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated 115,000		Number of Vehicle Inspected (CR): 5
Recordable Accidents 0		OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : SATISFACTORY	Rating Factors	Acute	Critical
	Factor 1:	S	0 0
	Factor 2:	S	0 0
	Factor 3:	S	0 0
	Factor 4:	S	0 0
	Factor 5:	N	0 0
	Factor 6:	S	- -





Part B Requirements and/or Recommendations

1. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

This carrier does not have in place a method to monitoring and track drivers that exceed the 100 mile exemption for hours of service requirements. Seattle Duck Tours should implement a method to track any driver that may exceed 12 hour total work day limit in the utilization of daily time cards for hours of service record keeping. Ms. Fridrich stated she will make available driver's daily log books in each vehicle for completion on any dispatch for daily tours as needed.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Passenger Carrier Only:

- Monitor and track driver-fatigue-related passenger complaints and assess safety implications.
- Ensure that management ascertains that available hours account for rest periods, separate operations within-company, intermittent and relief drivers, and changes to itinerary that require "extended day." Check in with drivers at pre-designated intervals.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm





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4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
5. For all Investigations:
 - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs 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 or 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 391.23 requires prospective employers to, at a minimum, investigate a driver's 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 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>

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:





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FMCSA Western Service Center
12600 West Colfax Ave Suite B-300
Lakewood, CO 80215

Ensure that a CC copy of the letter is mailed to:
Division Administrator/State Director
FMCSA
2424 Heritage CT Suite 302
Olympia, WA 98502

This letter should be submitted as soon as possible.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

•All Other Motor Carriers: This review will result in a Proposed Safety Rating.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

6. This review will result in a Safety Rating.

