



**MOTOR CARRIER GROUP
FACTUAL REPORT
DCA-10-MM-025**

**Philadelphia, Pennsylvania
Delaware River**

(6 pages)

**NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF HIGHWAY SAFETY
WASHINGTON, D.C. 20594
July 14, 2010**

**MOTOR CARRIER GROUP
FACTUAL REPORT**

A. ACCIDENT

Type: Allision
Date and Time: July 7, 2010, 2:37 p.m. EDT
Location: Delaware River
Philadelphia, Pennsylvania
Vessel #1: *Caribbean Sea*
Owner #1: K-Sea Operating Partnership, L.P.
Vessel #2: *The Resource*
Owner #2: City of Philadelphia
Vessel #3: *DUKW 34*
Owner #3: Ride The Ducks International, LLC
Fatalities: 2
Injuries: 26
NTSB #: DCA-10-MM-025

B. MOTOR CARRIER GROUP

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C. ACCIDENT SUMMARY

On Wednesday July 7, 2010, the empty 250-foot-long sludge barge *The Resource*, being towed alongside the 78.9-foot-long towing vessel M/V *Caribbean Sea*, allided with the anchored 33-foot amphibious small passenger vessel *DUKW 34* in the Delaware River, near Philadelphia, Pennsylvania. The *DUKW 34*, operated by Ride the Ducks, carried 35 passengers and 2 crewmembers. On board the *Caribbean Sea* were 5 crewmembers. Following the allision, the *DUKW 34* sank in about 55 feet of water. Two passengers on the *DUKW 34* were fatally injured, and 26 passengers suffered minor injuries. No one on the *Caribbean Sea* was injured.

D. DETAILS OF THE INVESTIGATION

The Motor Carrier investigator gathered information on the operations of Ride The Ducks International, LLC to determine their type of authority to operate and if their compliance with the Federal Motor Carrier Safety Regulations was required. Since the driver possessed a commercial driver's license, a Commercial Driver's License Information System (CDLIS) report was obtained. The driver's qualification file that included employment application, license information, medical examiner's certificate, and other records were examined. The maintenance and inspection records were obtained on the accident vehicle.

E. MOTOR CARRIER INFORMATION

Ride The Ducks International, LLC
Corporate Headquarters
5445 Triangle Parkway Suite 200
Norcross, GA. 30092

Ride The Ducks International, LLC
Philadelphia Office
111 So. Independence Mall East Suite 1020
Philadelphia, PA. 19106

The Philadelphia operations of Ride The Ducks International, LLC¹ (RTDI) is an intrastate, authorized for hire, land and water tour operation. RTDI Philadelphia has Federal, State, and Local authority to operate within the boundaries of the National Park and City designated areas. In the Philadelphia area, RTDI Philadelphia operation is governed by City Code Section 1, Title 9, Chapter 9-400, Carriers.² The City Code regulates the routes traveled and dictates the loading and unloading zones in the City. National Park permits allow RTDI Philadelphia to conduct business inside the park with designated loading and unloading points. All tours with the City start at Independence Visitor Center at Independence Mall. RTDI has operations in Atlanta, Georgia, Branson, Missouri, Newport, Kentucky, Philadelphia, Pennsylvania, and San Francisco, California. The operations in Philadelphia started in 2003 and consisted of a short land tour of about 50 minutes through the Old City area and then a short Delaware River tour of about 20 minutes. The 70 minute tour covers about 5 miles total distance both land and river. The company reported their average annual mileage 7,000 miles and their ridership of approximately 200,000 per year. RTDI in Philadelphia maintains adequate primary insurance coverage with additional layers. RTDI's hours of operation are from 10:00 am to 6:00 pm. 7 days a week. At the present time, RTDI has discontinued its operations in the Philadelphia area on the Delaware River and plans to resume operations in March, 2011.

The corporate structure of RTDI consisted of a President, Director of Fleet Operations, Vice President of Marketing and Sales, Director of Human Resource, Director of Finance, and a Corporate Safety Manager. RTDI in Philadelphia employs a General Manager, a Fleet Maintenance Manager, Project Manager, Operations/Attraction Manager, and group Sales Manager. Also, in Philadelphia they employ four mechanics, and a cleaner. The majority of the maintenance work is conducted in-house with a scheduled maintenance program. Some major mechanical work is contracted out to other repair facilities but not often.

RTDI fleet in Philadelphia consisted of 15 Duck vessels. Although the vehicle is a combination land vehicle and watercraft, the vehicle registration from the Pennsylvania

¹ Hereafter referred to as RTDI in Philadelphia.

² Regulation of Businesses, Trades, and Professions as amended on January 24, 2006 which governs Ride The Ducks Philadelphia operations.

Department of Motor Vehicles classified the vehicle as a bus. The Pennsylvania Department of Transportation (PADOT) requires semi-annual inspections of RTDI vehicles. The accident vehicle was last inspected on March 30, 2010. There were no items inspected that required attention and the vehicle passed inspection and was issued a current inspection sticker number S10-0165307.

The company employed 18 Captains of which 12 are commercial driver license certified. Additionally, they employ 11 drivers who are CDL certified only. All company CDL operators have passenger endorsements. Reportedly, Captains/Drivers work 9-10 hours per day and scheduled by availability. They work no more than 40 hours per week. The Captains/Drivers are paid by the hour which includes both pre-trip and post-trip inspections. RTDI closes down operations in December every year and reopens the following March.

F. FEDERAL OVERSIGHT

The operations of RTDI in Philadelphia are intrastate only. Federal regulations apply only to medical and drug testing regulations for the CDL operator. The Captain/Driver was in possession of a current medical examiner's certificate issued April 14, 2009 with an expiration date of April 14, 2011. Also, he was in possession of a New Jersey commercial driver's license issued February 7, 2007 with an expiration date of February 28, 2011. The Commercial Driver's License Information System (CDLIS) revealed that the Captain/Driver license privileges were suspended on April 22, 1976 for "driving while impaired." His license was reinstated on October 22, 1976. There were no other traffic violations, convictions, or accidents on his driving record.

Drug and Alcohol Testing:

RTDI's drug and alcohol testing program is handled through a company called Worknet. Since RTDI closes down for 60 days in the winter, they pre-employment test their

Captains/Drivers every year. RTDI participates in a testing pool for their random drug and alcohol testing program. The accident Captain/Driver was tested for pre-employment drug test on March 10, 2010 with negative results. He had not been scheduled for a random test since his employment began in March, 2010 with the company. Motor Carriers are required by Federal regulation to test for pre-employment, random, post-accident, reasonable suspicion, return-to-duty, and follow-up.

Philadelphia Duck Boat Accident History

In the 12 months preceding this accident, the RTDI Philadelphia operations were involved in 7 roadway accidents. In the previous accidents, the Duck boat struck a vehicle either parked or moving in the roadway 5 of the 7 accidents reported and the other 2 accidents was a vehicle striking a Duck boat in the roadway. All of the accidents occurred within the city limits of Philadelphia. None of the accidents resulted in injury or fatality, all were property damage only. All drivers involved in accidents receive company driver's safety training as appropriate.

James G. LeBerte
Senior Motor Carrier Investigator