

"Duck Boat" Accident Highlights Gap in Regulation

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Related Author

- [Bill Canis](#)

Bill Canis, Specialist in Industrial Organization and Business (bcanis@crs.loc.gov, 7-1568)

On July 19, 2018, an amphibious vehicle [capsized](#) during a sudden storm on a lake in Branson, MO, killing at least 17 passengers. The accident highlights gaps and discrepancies in federal safety regulations affecting amphibious passenger vehicles (APVs), more widely known as "duck boats."

Duck boats are tourist vehicles designed both to drive on roads and operate as boats in the water. These vehicles host thousands of tours for more than 1 million passengers annually. The original vehicles were built during World War II to deliver cargo from ships at sea directly to the shore, and often to evacuate injured military personnel. Some of the vehicles in use today have been refurbished, but others were built more recently. Many duck boats are operated under a license from Ride the Ducks International (RTDI), a private company, but there may be others operated independently as well.

These vehicles have been involved in a number of accidents in recent years. In September 2015, a duck boat was involved in a [crash with a commercial bus](#) on a bridge in Seattle, killing five passengers. APV accidents occurred in Boston in 2016 and Philadelphia in 2010, and include an earlier incident in Seattle in 2001 and a sinking with 13 fatalities in Arkansas in 1999.

These unique vehicles answer to several regulators. Because they operate in the open water of harbors and rivers, they are considered small passenger vessels, and the U.S. Coast Guard must inspect them for seaworthiness and certify the drivers as vessel captains. Since APVs also carry passengers on land, they are subject to federal commercial vehicle regulations enforced by the Federal Motor Carrier Safety Administration. Commercial vehicle inspections typically are conducted by state agencies. In addition, drivers must be certified by state officials as commercial vehicle drivers. And because the vehicles were rebuilt for commercial service, they must comply with certain federal motor vehicle standards established by the National Highway Traffic Safety Administration (NHTSA).

After investigating the 2015 APV crash in Seattle, the National Transportation Safety Board (NTSB), an independent federal agency, issued an [accident report](#) with recommendations to enhance the safe operation of these vehicles. Among NTSB's recommendations,

- NHTSA should classify all APVs as non-over-the-road buses and make newly manufactured APVs subject to

- applicable federal motor vehicle safety standards;
- NHTSA should separately adopt Coast Guard rules about cargo loads and passenger seating limits; and
- the Coast Guard should ensure that APV operators instruct passengers not to wear seat belts when the vehicle is operated in the water.

The NTSB report also had specific recommendations for Ride the Ducks International after finding that it had failed to fully address known mechanical defects that resulted in the 2015 crash.

It appears that some of the recommended regulatory changes have not been implemented. It is unclear whether implementation of all the NTSB recommendations would have reduced the severity of the accident in Branson. It remains the case that no single state or federal agency has ultimate responsibility for APV safety.