

STATE HOUSE NEWS SERVICE

SAFETY MEASURES FOR SIGHTSEEING TOURS ENCOUNTER RESISTANCE

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By Andy Metzger STATE HOUSE NEWS SERVICE

Friends and family of a young woman run over and killed by a Duck Boat tour vehicle at the bottom of Beacon Hill this spring urged lawmakers on Thursday to advance legislation banning drivers of the amphibious vehicles from also serving as tour guides.

"We shouldn't have been in any danger," said Kevan Moniri, who was on Allison Warmuth's motor scooter and survived the accident.

Moniri told the Transportation Committee the two were stopped at a red light, waiting to turn right onto Beacon Street, when the large vehicle pulled up behind them, and then ran over them once the light turned green.

"The duck boat started to encroach on us as if we weren't there," Moniri recalled. He said, "She couldn't accelerate fast enough."

The bill filed by Sen. William Brownsberger, a Belmont Democrat, would also require blind-spot cameras on amphibious vehicles on public streets.

With a bow and a chassis lifting it above cars, cyclists and pedestrians, the military-style amphibious tour vehicles present a number of blind spots to their operators, several people told the committee.

Sightseeing company employees and executives told lawmakers they value safety above other considerations, while cautioning that

mandating additional personnel would impact the bottom line.

Old Town Trolley Tours of Boston General Manager John Welby told the committee in three decades and millions of miles traveled the company has not had one fatality and is "proud" of its safety record.

"We need to react to it rationally and not emotionally. One incident does not define an entire industry," said Welby, who estimated ticket prices would increase by \$10 to \$15 with the introduction of additional tour guides on all vehicles "to the point we would lose business."

"It is likely to drive some trolley operators out of business," said City View Trolley Tours President and CEO Michael Thomas.

Asked by Rep. Hannah Kane, a Shrewsbury Republican, what additional safety requirements he could agree to, Thomas said he is "open to the concept of sensors and cameras" though he said he is "not sure if that's the solution."

Lynn Huston, a former news anchor and reporter who said he had been a conductor for Olde Town Trolley, said he favors Brownsberger's proposal because of the unique dangers of driving and conducting a sightseeing tour on busy city streets.

"Regardless how safe you are as a driver, situations present themselves in Boston traffic that are beyond your control," Huston said.

Dennis Kraez, president of Boston Autoport, argued that market forces from the insurance industry would ensure only safe companies would be able to maintain business.

"If you can't run a safe efficient company, insurance will put you out of business," Kraez said.

News accounts following the April 30 fatal accident detailed a lengthy record of driving infractions for Victor Tavares, the Boston Duck Tours driver involved, including 10 speeding tickets.

According to Boston City Hall, the company is regulated by the Department of Public Utilities, which plays a transportation safety oversight role in a few areas.

On its website Boston Duck Tours says it has about 125 employees and carries 4,500 passengers daily during its peak season, after introducing the concept of amphibious tours to Bay State regulators more than two decades ago.

"Opening in Boston required approximately 30 permits from various regulatory agencies," the company says online. "The permits were difficult to obtain partly due to the infamous bureaucratic red tape, but also because most people had never heard of Ducks and simply thought the idea of a land/water tour in Boston was crazy."

Ducks Tours have since blended into the fabric of downtown Boston, wending through traffic and carrying champion athletes in victory parades. The company's fleet now includes 28 replicas of World War II era landing craft used in the Allies D-Day invasion, and one "original," used only for parades and special events.

Both of Warmuth's parents, who are from Hawaii, urged the committee to require new safety measures in the industry, and Allison's mother, Martha Warmuth, told the committee Boston Duck Tours drivers encourage everyone on board to "do the roller coaster," and described "everyone's hands up including the driver."

Ivan Warmuth, Allison's father, said his daughter had a "thriving" work life and a "flourishing" personal life before she was killed, and he believes distracted driving was a "key factor" in her death.

Bob Marciello, maintenance administrator for Brush Hill Tours, appeared emotional, telling the committee that he has a daughter and encouraging new safety measures while arguing a second employee in the vehicle wouldn't provide a guarantee.

"Tragedies, I don't think you can prevent them entirely," Marciello said.