



Memorandum

U.S. Department
of Transportation
**Federal Motor Carrier
Safety Administration**

Date: May 27, 2015

Subject: Petition for Change in Safety Rating (385.17)
Gemini Transport
USDOT # 1035057

Reply Attn.: MC-EFM-MI

From: Patrick B. Muinch
Division Administrator
Lansing, MI

Matthew J. Long
For

To: Enforcement Specialist
Matteson, IL

1. **Recommendation: The Division recommends the motor carrier's petition be denied.**
2. Date of Compliance review that resulted in current rating - - 04/07/2014
3. Date petition reviewed: - - 3/31/15

49 CFR 395.8(e) – False reports of records of duty status

The SMP indicates that the carrier has done everything possible over the last 4 years to try and fix this issue. The carrier reorganized the business and eliminated all questionable lanes that could bring hours of service compliance issues up. The SMP indicates that it seems that some drivers will not change and that the carrier will have to go to e-logs. The carrier will be trying out a few different e-log providers and will make decision and install them over the next 9 months.

The carrier has had several investigations in the past and does not demonstrate that they have adequate safety management plan in place. The carrier should show that they are checking the logs for accuracy and overall hours of service compliance and how they are doing it. The carrier should specifically indicate who is checking the logs and what their disciplinary policy is. The carrier needs to show an hours of service summary report for an extended time period of time following the recent investigation.

The carrier has not demonstrated they have an adequate management system in place

49 CFR 396.11(a) – Failing to require driver to prepare daily vehicle inspection report.

The SMP indicates that the carrier has made an agreement with Wolverine Freightliner to have an annual inspection equivalent completed on their trucks twice a year. They believe this will eliminate a lot of the roadside violations that are being discovered.

The SMP does not indicate how the carrier will make sure a DVIR is prepared and retained when it's needed. When there is a vehicle defect, who will make sure the DVIR is prepared and retained and then who will make sure the defect is repaired. Those are the questions the carrier should address.

4. Date and types of open complaints on file regarding the motor carrier's compliance with the FMCSR and

HMR: N/A

5. **Current SMS scores: Unsafe Driving: 31%, Crash: 77%, Hours of Service: 77%, Maintenance: 81%**
6. **Copy of profile attached (*optional*) No**
7. **Any additional information regarding the motor carrier's safety performance (Note: with the exception of 45/60 day carriers, all critical violations of 49 CFR Part 395 should include the most recent 30 days worth of hours of service and false log check summaries as part of the SMP). No**
8. **For 60 day UNSAT/UNFIT carriers, does the information submitted, though not enough for a recommended upgrade warrant an extension of time? Not applicable**



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
Darin G. Jones, Field Administrator
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

Federal Motor Carrier
Safety Administration

MAY 22 2015

RECEIVED
Lansing, Michigan

Subject: Gemini Transport [DOT #1035057] - MC-EFM-MI

Dear Sir,

Gemini Transport would like to appeal for an upgrade to the Safety Rating Determination of a proposed "Conditional", based upon the items cited in our recent DOT Compliance Review March 24, 2015.

The proposed Conditional rating is a result of violations discovered during the compliance review in the following areas:

Part 396 Inspection, Repair and Maintenance

Part 395 Hours of Service of Drivers

We have thoroughly reviewed our operation and evaluated all of the potential root causes for the deficiencies in these areas and came up with the following actions to permanently correct them, in order to request a safety rating upgrade under 49 CFR, section 385.17.

Regarding our shortcomings with Part 396, we have made an agreement with Wolverine Freightliner in Dearborn, Michigan to inspect our vehicles during the month of May and month of December each year instead of the minimum requirement of once per year, which would eliminate a lot of issues, we believe, that were discovered during the on-road inspections. This would, we believe, also reduce our maintenance cost and repairs on the road in the long run and gradually improve our Vehicle Maintenance Score.

With respect to our failures obeying Part 395, we have done everything possible to prevent this in past 4 years since our last review. We have reorganized our business and eliminated questionable lanes that would bring hours of service in question. With this action, we have only taken lanes that are a 350 mile radius which is 95% of our business and our thoughts were that this would eliminate any potential driving irregularities. It seems that we have to go further since there are still some issues with certain drivers and we have come to a conclusion that only other thing to do is to install ELDs (electronic logging devices) in our vehicles. We have been in touch with our dispatch software provider to come up with a best fit for our company and we will be trying the units from Omnitrac, Rand McNally and JJ Keller. We will try these units for a period of 45 days and then we will make a decision which provider is a best fit. Once we choose the service provider, we will have a plan to install these units in our vehicles within 6 to 9, months depending on the training of our drivers. Additionally, we will further re-educate our existing drivers regarding the hours of service and the importance of following the specifics of Part 395 of the FMCSRs. We have made a point to implement this training with our drivers, whom are recently hired/leased on, during orientation.



The Department of Health and Human Services
has received your request for information regarding
the records of the National Health and Medical Research Council
concerning the activities of the National Health and Medical Research Council
in the area of research into the health effects of electromagnetic fields
and radio frequency radiation.

The records requested are held by the National Health and Medical Research Council
and are available for release under the provisions of the Freedom of Information Act 1982.

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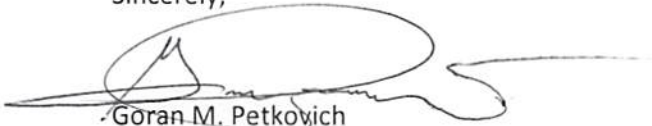
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We believe the above actions will dramatically improve our safety and compliance with the above two regulations where we were deficient. Since we are a carrier for the automotive industry, we will not be able to keep our contract with them if we have a Conditional Rating. We would respectfully request that we maintain our Satisfactory safety rating, considering these additional steps that are being taken to be compliant in the areas that we were found to be deficient.

While there are no excuses for these deficiencies, I have no one to blame but myself, as the leader of the organization. I do feel, however, that we are making considerable strides to do the right things, yet unfortunately, we are still falling short. My staff and I are committed to making certain that these types of failures will substantially diminish, if not completely disappear, following the implementation of the agreement with Wolverine Freightliner and instituting the use of ELDs.

Any consideration that the Federal Motor Carrier Safety Administration would be willing to grant Gemini Transport, LLC, would be tremendously appreciated. If you have any questions or need any further information, please feel free to contact me at the office at (313) 842-1980, ext. 7000 or via e-mail at goran@geminitrans.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Goran M. Petkovich', with a large, sweeping flourish extending to the right.

Goran M. Petkovich

President/CEO

Gemini Transport, LLC

9680 Eagle Street

Dearborn, MI 48120-1403

goran@geminitrans.com



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

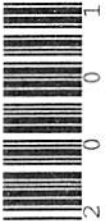
Federal Motor Carrier
Safety Administration



²
Review No.: 1195145/
Gemini Transport Llc
9680 Eagle St
Dearborn MI 48120-1403

March 27, 2015

In reply refer to:
USDOT Number: **1035057**
Review No.: 1195145/CR



Dear GORAN PETKOVICH:

The proposed motor carrier safety rating for your company is:

CONDITIONAL

This proposed CONDITIONAL rating is the result of an onsite compliance review and evaluation of your safety fitness completed on March 24, 2015. A CONDITIONAL rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences of violations listed in 49 C.F.R. 385.5(a-k).

This proposed CONDITIONAL rating becomes a final rating and goes into effect on May 27, 2015.

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

- Part 396 INSPECTION, REPAIR AND MAINTENANCE
- Part 395 HOURS OF SERVICE OF DRIVERS

Please refer to the copy of the compliance review left at your office for more specific guidance regarding areas in need of corrective action.

You may obtain further information from the local Federal Motor Carrier Safety Administration office listed below:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
315 WEST ALLEGAN, ROOM 219
LANSING, MI 48933
Telephone No.: 517-853-5990

Sincerely,

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance