

147 Heather Drive
Butler, PA 16001-2819
November 29, 2001

Office of District Attorney
Mr. Tim McCune
P.O. Box 1208
Butler, PA 16003-1208

Re: An alleged illegal policy at AK Steel, Butler, PA

Dear Mr. McCune:

I am writing to you regarding a phone conversation that I had with Mr. David Devries of the PA Attorney General's office on October 31, 2001. During that conversation, he instructed me to contact your office to request an investigation into a seriously dangerous and potentially criminal policy at AK Steel's Butler works.

AK Steel has a current policy requiring all of its in-plant tractor-trailer drivers to haul overloaded trucks with unsecured loads throughout the plant, in violation of PA Motor Vehicle Code. A former employee, I was fired in March of 2001 for wanting to follow state motor vehicle code (as defined by §4942 of the vehicle code, which addresses registered gross vehicle weights).

AK's defense for requiring overloaded hauling is their claim that this hauling is done solely in-plant and not over a highway. However, while preceding motor vehicle code sections (§4941 and §4901) use the phrasing, "operated upon a highway" and "operated or moved upon any highway," respectively, §4942 does not refer to only a highway situation, per se.

AK's rationale for not securing these loads is to avoid damaging the steel coils. Yet when independent truck drivers ship these same products outside the plant, the loads are chained or strapped down when being hauled to customers or to another finishing plant. There are ways to secure the products without damage.

After numerous contacts with the DOT, OSHA, PA State Police, several attorneys, Hartford Casualty Insurance Co. (AK Steel's insurance carrier who advised me to seek indemnification), I was advised against following AK's orders to commit an illegal act in violating state motor vehicle code.

Not only are AK's drivers being forced to assume criminal and civil liability in the event of a serious accident involving loss of life or limb, but they are also being forced to jeopardize their own safety and that of their fellow employees. (Ironically, with A-K's recent commendation from OSHA, its Star Designation for Safety, AK is now exempt from random OSHA inspections.)

This is a very real, ongoing danger. Accidents such as this have already occurred several times at AK, both inside and outside the plant (with even chained loads). It is only a matter of time before this dangerous practice results in a serious injury or fatality. According to the attorneys I have dealt with, a driver is ultimately responsible because he committed the act of driving the truck.

- ✓ For your reference: coils of steel are approximately 3 to 6 feet high, 2 ½ to 4 ½ feet wide and can weigh from 4 to 25 tons each. These are not small objects, and they require the use of an overhead crane to load and unload them from tractor-trailers.
- ✓ A shifting load (like during sudden braking and swerving to avoid an accident) or equipment failure (such as the breakdown of a trailer or its tractor) could easily cause coils to roll off a truck and instantly kill an innocent bystander. Even someone within another vehicle would be crushed.

My case is currently in arbitration, and a decision from the arbitrator is to be rendered within a few days – with reference to my reinstatement and back pay only.

However, since the arbitrator can only rule on labor law and not criminal or civil law, there is a need for a criminal investigation into this matter. *AK has not and will NOT change its policies unless a legal ruling forces them to do so.*

In addition to forcing all of its Transportation Department personnel to violate state motor vehicle code, I believe AK may also have violated the following against me:

- U. S. Code: Title 18 Section 241/Conspiracy against rights
- U. S. Code: Title 18 Section 245/Federally protected activities (b)(1)(B)
- U. S. Code: Title 18 Section 3559/Sentencing classification of offenses (c)(2)(C)
- Constitution of Pennsylvania; Article IX, Sections 1 and 2
- Tort of Retaliatory Discharge

After my phone conversation with Mr. Devries in October, he advised me to contact your office, and I was directed to the magistrate's office without being allowed to talk with a detective. After going to the magistrate's office, I was told that my situation was a criminal matter and I was directed back to the District Attorney's office. When I came back to your office, I was not permitted to see a detective and was told to find a private attorney.

I then called Mr. Devries's office back and was told to contact Julie Graham, Butler County Solicitor. After hearing of this case, Ms. Graham believed an investigation is warranted. She directed me to put everything in writing and fax and mail it to your office for investigation.

In the mailed version of this letter, you will find a copy of the union's closing brief, for your perusal. At your request, I will provide copies of all arbitration documents, including exhibits and supporting union documentation of this case. Interestingly, the union provided evidence that AK's own written safety directives instruct drivers to "haul within the legal load limits and secure all loads on all vehicles," in conflict with the verbal orders to haul more than twice the legal limit.

For further information you can reach me at 724-482-4726, or contact the union attorney, Mr. Jack Murtaugh, at 724-935-7555.

Thank you for your attention to this urgent matter. AK's directives to its truck drivers are not only a violation of law, but they are also a serious threat to the lives and safety of the men and women employed there.

Sincerely,


Joe Myers

Enc. (with the mailed version)

CC: Julie Graham, Butler County Solicitor
Mike Fisher, PA Attorney General
David Devries, of PA Attorney General's Office
Mark Schweiker, PA Governor
John Ashcroft, U.S. Attorney General