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DOI COMMISSIONER ROSE GILL HEARN'S REMARKS FOR THE EAST 51ST STREET CRANE INDICTMENT

2008 will be remembered as the year when New Yorkers came to regard the giant cranes marking our skyline with some fear and trepidation. Throughout the city, indeed, around the world there was shock that two tower crane accidents took place in New York City in two months time. It is our hope that today's indictment, along with the reforms implemented, will drive home a strong message of deterrence and highlight progress that has already been made in the City's approach to crane safety.

On March 15, 2008, DOI investigators responded immediately to the crane collapse that killed seven people on East 51st Street. From that terrible moment through today, we have worked closely with the Manhattan District Attorney's Office, OSHA, the City's Buildings Department, and other agencies to get the facts and piece together how this tragedy occurred. In sum, this was a rigging calamity.

The indictment announced today is the result of everything from interviews at the scene to a painstaking forensic examination by investigators and experts of exactly what caused the collapse of the tower crane. Some of the salient facts are that at the time of the collapse, the tower crane was approximately 250 feet high. The total planned height for the crane was 475 feet. The boom of the crane was 120 feet long. Collars weighing over 11,000 pounds were securing the crane to the building under construction on the 3rd and 9th floors at the time of the collapse. An additional 5 ton collar being installed on the 18th floor on March 15th was not properly secured causing it to fall down along the mast of the tower crane, knocking out the collar on the 9th floor. As you heard, that caused this entire massive erector set to lean precipitously and then somersault out of the sky across surrounding buildings and streets. The process by which a tower crane is "jumped" or extended is an amazing engineering fete. It is what enables buildings of extensive height to be constructed. It is also a process that must be done with a maximum of safety precautions.

In addition to this Indictment discussed by Mr. Morgenthau, industry reforms relating to safety implemented since the accident include:

1. the engineer of record must now submit to DOB a plan prepared by the engineer and rigger in conformity with the manufacturer's recommendations for installation, jumping and dismantling of a tower crane.

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2. increased training for rigging crews as well as a pre-jump safety meeting within 24 hours of each jump to review procedures, roles and responsibilities of the crew, the rigging to be used, and inspection of all equipment to be used in the jump.

3. the DOB is auditing pre-jump meetings as well as the jumps themselves.

During the course of this investigation, DOI investigators identified irregularities in reports filed by DOB Inspector Edward Marquette who now faces charges of falsifying Cranes and Derricks inspection records, including one relating to the crane that fell on 51st Street.

In another case involving the Cranes and Derricks Division, an investigation led to a veteran supervising Inspector, James Delayo, being charged in June by the DA for receiving bribes from a crane company, falsifying mobile crane inspection reports and tampering with licensing exams. Also under indictment is the crane company, Nu-Way Crane Services, Inc., one of its executives and an employee, in connection with the bribery scheme involving Mr. Delayo.

While in the midst of the full scale 51st Street accident investigation, we undertook and continue to investigate the East 91st Street crane collapse with the Manhattan District Attorney.

DOI also worked with the DOB to improve the Cranes and Derricks Division by formalizing inspection and enforcement protocols, improving tracking systems for inspections and violations, increasing staff training, establishing a chain-of-command and adding supervision for the engineering unit.

I would like to thank District Attorney Morgenthau, OSHA's New York Director Richard Mendelson and DOB Commissioner Robert LiMandri and their staffs for their dedicated efforts on this investigation.

I would also like to recognize the contributions of the many talented DOI investigators who worked on this investigation from the IG office for DOB, including Associate Commissioner John Kantor, DOB IG Michael Carroll and their staff: Edward Zinser, James McElligott, Tiffany Dumas, Nicholas Novellino and Robert Miller.

An indictment is an accusation. A defendant is presumed innocent until proven guilty.

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