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SENATOR, 29TH DISTRICT

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October 17, 2006

Hon. Patricia J. Lancaster
Commissioner
Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner Lancaster:

As you might expect, I was alarmed and concerned about the September 30, 2006 collapse of a 13-foot section of a construction crane at the 110 Third Avenue development site, which is in my Senate District. It is fortunate that this incident did not result in any major injuries or deaths and that the five affected individuals made a speedy recovery.

I appreciate the Department of Building's (DOB) swift response in halting construction at that site and issuing violations to Tishman Construction Corporation, the site safety coordinator, and the crane operator, as well as in ensuring that the site was safe before allowing construction to resume.

However, as relatively unscathed as we were in that situation, I am deeply concerned over how the accident occurred in the first place, and how vulnerable we are to future, even more devastating incidents, given the extensive construction in my Senate District and, indeed, throughout the City. In fact, on October 4, 2006, *Newsday* reported that New York City construction spending hit an all time high of more than \$20 billion this year.

As you know, on October 9, 2006, just five days after that *Newsday* story, another accident occurred at a construction site on Roosevelt Avenue in Queens. This accident, unfortunately, resulted in the death of a worker, apparently by cause of a heart attack seemingly triggered by a freshly poured concrete floor giving way beneath him. In this case, DOB again issued violations and fines after the accident.

In light of the violations cited in both of these incidents, I have to wonder if there isn't some way for DOB to play a larger preventative role. In the case of the Third Avenue crane collapse, current DOB reports indicate that no master rigger or tower rigger had been present during the crane's dismantling. Also, the equipment necessary to use the crane's hydraulic system had been improperly used. DOB procedure already dictates the inspection of crane and derrick equipment by DOB personnel for safety before assembly. Could a similar inspection also be implemented immediately before the dismantling of such heavy and potentially dangerous equipment as cranes? It would seem that having such a process in place would ensure that safety measures are employed in similar situations and that appropriate specialists are in place.

With the increasing amount of construction throughout the City, DOB oversight is more critical than ever, but at the same time, DOB resources may be strained and thinly spread. Yet, with the record \$20 billion being spent by developers, DOB should also be gaining a proportional amount of financing for its operations. If a lack of inspectors is a drawback in DOB's current operations, some of this extra revenue must be allocated toward hiring more inspectors in order to ensure the most thorough and widespread inspections that will prevent such accidents from happening.

I commend DOB for its efforts in reviewing and ensuring construction safety throughout our City. However, in light of these recent accidents and the record amount of construction taking place throughout the City, we must be even more vigilant in correcting any lapses in our safety procedures.

I am available to support DOB in this effort. I would like to thank you in advance for taking the time to hear my input and I look forward any response you or your staff would like to share with me.

Sincerely,

A handwritten signature in cursive script that reads "Tom Duane".

Thomas K. Duane
New York State Senator
29th District