

DISTRICT ATTORNEY – NEW YORK COUNTY

NEWS RELEASE
January 5, 2009

CONTACT: Alicia Maxey Greene
(212) 335-9400

Manhattan District Attorney Robert M. Morgenthau announced today the indictment of a tower crane rigger and his company on homicide and related charges in the crane collapse on March 15, 2008, that caused the deaths of seven people.

WILLIAM RAPETTI, 48, and RAPETTI RIGGING SERVICES INC. have been indicted on multiple charges of manslaughter, criminally negligent homicide, assault, reckless endangerment and failure to file tax returns.

The investigation leading to today's indictment revealed that RAPETTI, a tower crane rigger licensed by the New York City Department of Buildings, and his rigging company, RAPETTI RIGGING SERVICES, were hired to erect the tower crane at a high-rise construction site at 303 East 51st Street in Manhattan. According to the New York City Building Code, only licensed riggers are permitted to oversee this type of work and they must be present at the job site whenever erection and dismantling occurs.

On March 15, 2008, RAPETTI and a rigging crew working under his supervision installed several additional sections to the mast of the tower to increase the height of the crane, in a process known as "jumping." The crew consisted of RAPETTI, who was directing operations from the 18th floor of the building, crane operator Wayne Bleidner, crane oiler Anthony Mazza, as well as Brad Cohen, Clifford Canzona, John Della Porta, Santino Gallone, and Aaron Stephens.

As part of the jumping process, the crew had to install a steel "collar" around the mast of the crane and connect it to the 18th floor with steel tie-beams for lateral support. While the collar is being connected to the tie-beams, it must temporarily be suspended from the crane mast with "slings" -- polyester straps with loops at each end that attach to both the mast and the collar. However, during the collar and beam installation that day, the four slings being used abruptly snapped, causing the collar to slide down the tower. The collar, which weighed approximately 12,000 pounds, slid down the mast and crashed into the collar at the 9th floor with sufficient force to dislodge it. The two collars then slid further down the mast and crashed into the third floor collar, dislodging that one as well, leaving the crane completely unsupported.

The impact of the three collars violently jostled the base of the crane and caused the entire crane to tip over and collapse against the roof of an apartment building across the street on the south side of 51st Street. The top of the crane, including the cab and boom, broke away from the lower sections and catapulted over the apartment building and landed farther to the south, completely demolishing a townhouse on East 50th Street. Crane operator Bleidner and rigging crew members Canzona, Cohen, Gallone, Mazza, and Stephens died in the collapse. Odin Torres, an occupant of the townhouse demolished

in the collapse, was also killed. Crew member Della Porta was seriously injured, as were John Gallego and Juan Perez, two other occupants of the townhouse.

The investigation revealed that RAPETTI's reckless and negligent rigging practices caused the failure of the slings and the collapse of the crane. RAPETTI violated numerous provisions of the New York City Building Code, federal regulations, industry standards and the manufacturer's specifications pertaining to the proper use of the polyester slings. In particular, one of the failed slings had substantial pre-existing damage, including cuts and severe discoloration, that would have been obvious to RAPETTI had he properly inspected the sling as mandated by the Building Code, federal regulations, and industry standards. Because the pre-existing damage had substantially diminished the capacity of that sling, it should not have been used at all.

In addition, all four slings had been tied to the crane in a knot called a "choke," which has the weakest load-bearing capacity of the three standard knots used in this type of operation. The slings were also tied around sharp metal edges of the crane tower without any kind of protective padding, which was also a violation of the Building Code, federal regulations, industry standards and warning labels on the slings themselves. The use of the slings without protective padding caused severe cuts to the slings, greatly reducing their capacity and ultimately leading to their failure. Finally, the investigation revealed that RAPETTI failed to follow the crane manufacturer's specifications that the collar should have been supported by eight slings, not four.

During the course of the investigation into the crane collapse, an examination of the financial records of RAPETTI RIGGING SERVICES INC. revealed that the company did not file a corporate income tax return in New York City for the tax years 2006 and 2007, in violation of the New York City Administrative Code.

RAPETTI and RAPETTI RIGGING SERVICES INC. are charged with seven counts of Manslaughter in the Second Degree, a class C felony, which is punishable by up to 15 years in state prison; seven counts of Criminally Negligent Homicide, a class E felony, which is punishable by up to 4 years in prison; three counts of Assault in the Second Degree, a class D felony, which is punishable by up to 7 years in prison; one count of Reckless Endangerment in the Second Degree, a class A misdemeanor, which is punishable by up to one year in jail; and two counts of Failure to File a Return or Report, in violation of the New York City Administrative Code, an unclassified misdemeanor, which is punishable by up to one year in jail and a fine up to \$20,000.

The defendants are scheduled to be arraigned today in Part 1 of New York State Supreme Court.

Mr. Morgenthau thanked New York City Department of Investigation Commissioner Rose Gill Hearn, Assistant Commissioner John Kantor, Inspector General Michael Carroll and Assistant Inspector General Edward Zinser; and Occupational Safety and Health Administration Manhattan Area Office Director Richard Mendelson.

Assistant District Attorneys Sean Sullivan, Carey Ng and Deborah Hickey, all of whom are assigned to the Rackets Bureau, are handling the prosecution of this case under the supervision of Eric Seidel, Chief of the Rackets Bureau and Patrick J. Dugan, Chief of the Investigation Division. Investigators Jack Patterson and Jonathan Savel also worked on the investigation, under the supervision of Investigation Bureau Chief Joseph Pennisi. Paralegals Michael Morris and Aaron Teitelbaum also assisted.

Defendants' Information:

WILLIAM RAPETTI, 9/6/1960
129 Atlantic Avenue
Massapequa Park, New York

RAPETTI RIGGING SERVICES, INC.
129 Atlantic Avenue
Massapequa Park, New York

###