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Construction

## **Collapsed cranes during Hurricane Irma frustrate officials**

Brian Bandell, Senior Reporter

South Florida avoided a direct hit from Hurricane Irma, but the eastern edge of the storm caused plenty of damage in the region on Sept. 10.



Storm surge flooded coastal areas, even in business districts like Brickell and downtown Fort Lauderdale, roofs were damaged, hundreds of boats sunk or were smashed, and more than 2 million people lost power. Still, much of that could be expected from a hurricane.

What wasn't expected by construction experts was falling tower cranes, which are rated for 145 mile-per-hour winds. Three of them came down at South Florida projects.

Construction cranes are left up to "weather vane" during hurricanes, spinning in the direction the wind is blowing. The cranes at the Vice apartment project in downtown Miami and the Gran Paraiso in Edgewater both fell and hit the buildings. In Fort Lauderdale, the crane at the Auberge condo project broke and struck that project as well.

"All we care about is the safety of everyone right now," said Ryan Shear, principal of Property Markets Group, the developer of Vice.

John Moriarty & Associates is the general contractor of Vice.

Gran Paraiso is being developed by the Related Group with Plaza Construction as the general contractor.

"Every effort to safeguard life in the path of Irma was taken, including the mandatory evacuation ordered by government officials," said Brad Meltzer, president of Plaza Construction.

The crane engineers and crane supplier took measures to secure the crane, but the crane's boom was nevertheless damaged due to high winds, he said. Plaza will cooperate with all governmental bodies, as well as the crane supplier and engineers to investigate and establish repair requirements to put the crane back in a state of good repair, he added.

In Fort Lauderdale, Auberge was being developed by the Related Group, Fortune International Group and Fairwinds Group, with Moss & Associates as the general contractor. "There are no injuries reported and the crane is contained to the

construction site,” Moss said.

Miami City Commissioner Ken Russell said cranes have been a big source of anxiety for residents in his district, where two of them fell.

“If we had more of a direct hit, we would have certainly had more cranes down,” Russell said. “For certain we as a commission and we as a city will look into legislation and regulations and practices in the future about how these cranes are secured during a storm.”

Steven Lesser, chair of the construction law and litigation practice at Becker & Poliakoff in Fort Lauderdale, said that after these incidents more municipalities will call for better regulation of tower cranes.

It might also make neighboring property owners reluctant to grant air rights to developers who want to operate construction cranes over their properties, he said.

But in many cases, the people and businesses near a construction site are powerless to do anything about the cranes except call their local governments, Lesser said.

The question is whether local governments can do anything about it.

In 2008, Miami-Dade County passed an ordinance with mandatory hurricane wind-load standards for tower cranes, among other requirements for regular inspections and operator certifications.

The Associated Builder and Contractors Florida East Coast Chapter immediately filed a lawsuit against the county and succeeded in blocking the ordinance after a 2010 ruling in U.S. District Court in Miami. The federal court ruled that OSHA governed issues involving construction cranes and there was not a sufficient public safety concern to allow the county to regulate them, too.

Lesser said that the risk to the public from falling construction cranes, as evidenced by the three incidents during Hurricane Irma, could make the case that OSHA’s regulation isn’t enough.

Peter Dyga, president and CEO of the Associated Builders and Contractors Florida East Coast Chapter, said it’s too early to come to any conclusions about falling construction cranes during the hurricane because investigators haven’t determined the causes of the recent incidents.

“Keep in mind that this was a hurricane. Hurricanes cause tornadoes,” Dyga said. “We can’t protect against everything. We need to do what is reasonable to protect against property damage or loss of life.”

Even when a developer wants to be responsible and take down tower cranes, it’s often not possible because there are dozens of cranes up across South Florida and not enough crews to take them down, said construction and business litigation attorney **David Haber, of Haber Slade in Miami**. He represents the Related Group.

“If you tell a crane company to get it down and you have four days and 50 cranes up, you have to look at the practicality of that request,” Haber said.

Most construction cranes in South Florida did not fail during Hurricane Irma.

Dan Whiteman, vice chairman of Miami-based Coastal Construction, said all of its 12 construction cranes in Miami-Dade County withstood Hurricane Irma and there was no significant damage at any of its construction sites, including Miami Worldcenter.

While Whiteman hasn't inspected the cranes at other sites that fell down, he said he could tell that they likely broke at the turntable where the mast rotates.

If the mast doesn't freely rotate, the powerful winds of a hurricane can cause cranes to twist and snap off, he said.

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