

National Transportation Safety Board
Office of Railroad, Pipeline, and Hazardous Materials Investigations
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

Reference: NTSB Accident No. DCA-14-MP-002, East Harlem, NY.
Your Interview conducted on August 4, 2014.

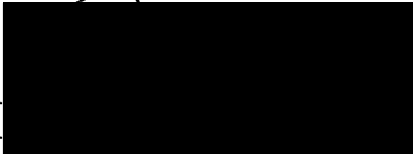
I have reviewed my interview transcript from the above referenced accident and:

----- (A) I have no comments to make.

----- (B) My comments are submitted herewith.

----- (C) My comments are marked on the attached copy. Pg 7, Pg 11, Pg 13, Pg 14, Pg 17

Pg 27, Pg 29


Frank Yodice

12/10/14

Date

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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NATURAL GAS DISTRIBUTION PIPELINE

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LEAK AND MULTISTORY STRUCTURE

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EXPLOSION IN HARLEM; NEW YORK

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MARCH 12, 2014

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Interview of: FRANK YODICE

Con Edison
 4 Irving Street
 New York, New York

Monday,
 August 4, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: RAVI CHHATRE
 Investigator-in-Charge

APPEARANCES:

RAVI CHHATRE, Investigator-in-Charge
National Transportation Safety Board
Washington, D.C.

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National Transportation Safety Board

MATTHEW NICHOLSON, Accident Investigator
National Transportation Safety Board

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Office of Emergency Management
New York, New York
(Party Representative)

ANASTASIOS GEORGELIS, Director of Field Operations
Bureau of Water and Sewer Operations
Department of Environmental Protection
New York, New York

LEONARD SINGH, Chief Engineer
Gas Distribution Services
Con Edison
(Party Representative)

CHRIS STOLICKY, Utility Supervisor (Safety)
New York State Department of Public Service
(Party Representative)

THOMAS HALL, Esq.
(Representative on behalf of Mr. Yodice)

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MR. CHHATRE: Good afternoon. Today is Monday, August 4, 2014. We are currently in Con Edison's facility located at 4 Irving Place, New York. We are meeting regarding the investigation of a natural gas distribution pipeline leak and multistory structure explosion that occurred on March 12, 2014, in Harlem, New York.

My name is Ravi Chhartre. I am with the National Transportation Safety Board located in Washington, D.C., and I am Investigator-in-Charge of this accident. The NTSB investigation number for this accident is DCA-14-MP-002.

I would like to start by notifying everyone present in this room that we are recording this interview, and we may transcribe it at a later date. Transcripts will be provided directly to the interviewee for review, and identifying any typographical errors. The transcripts may be posted at the NTSB public docket for people to see.

Also, I would like to inform Mr. Frank Yodice that you are permitted to have one other person with you during this interview. This person is of your choice: your supervisor, friend, family member, or if you choose, no one at all.

INTERVIEW OF FRANK YODICE

BY MR. CHHATRE:

Q. Please state for the record your full name, the spelling of your name, the organization you work for, your title, business

1 contact information, plus a mailing address, and whom you are
2 choosing to be present with you during your interview.

3 A. Frank Yodice, Jr.; F-r-a-n-k, Y-o-d-i-c-e. Junior. I
4 work for Hallen Construction as superintendent, and the company
5 attorney, Mr. Hall, is present.

6 Q. Okay. Now, Mr. Yodice, for the record, can you tell us
7 any formal/informal education, training you have acquired over the
8 years and your responsibilities with the company?

9 A. I'm a superintendent and I have the Con Ed
10 qualifications of an A-mechanic.

11 Q. So when you say Con Ed qualification, is it by training
12 through Con Ed?

13 A. Through Con Edison, yes.

14 Q. And that training allows you to do what?

15 A. That training allows me to oversee the mechanics that
16 are doing mechanical work on their gas lines.

17 Q. Okay. And as superintendent, what are your
18 responsibilities with the company?

19 A. I organize any work, setting up the work, getting
20 material that the crews need.

21 Q. Now, the training with Con Ed, will that allow you to do
22 plastic fusion welding?

23 A. Yes.

24 Q. And how often do you have to take that training?

25 A. How often? Every 3 years.

1 Q. Every 3 years.

2 A. For fusion it's every year, for the A-mechanic card is 3
3 years.

4 Q. Three years. For fusion, every year.

5 Okay. I want to ask the questions specifically dealing
6 with the job in front of 1642 Park Avenue, just the house next
7 door to the ground zero building. Were you there at the scene
8 doing any work or supervising your crew?

9 A. I was -- when we first received the job, I ~~went~~ there to
10 birddog it, which is to see if we got access to work. When I
11 arrived, there was a plumber working on that service that we were
12 supposed to install, a 2-inch plastic service. He was digging
13 down probably 12 to 15 feet, breaking rock out. And then he told
14 us he would be there a couple of weeks, and then, you know, we
15 went back to check to whether he was done so we could get in to
16 perform our work.

17 Q. So he was there a couple of weeks before the job
18 started?

19 A. Right.

20 Q. And the plumber, was he a Con Edison plumber or was
21 he homeowners or --

22 A. No. He was working for the building.

23 Q. For the builders. Okay.

24 MR. STOLICKY: Was the plumber doing water work or gas
25 work?

1 MR. YODICE: He was probably doing the water and the
2 sewer. Sewer, yeah, because he was down deep. Twelve to 15-foot
3 deep he had an opening inside the property line and outside in the
4 street.

5 MR. SINGH: Was the cast iron gas main exposed at that
6 time?

7 MR. YODICE: The gas main -- yes, it had to be exposed
8 because it was under the plates. (I didn't see it physically, but
9 it was under -- he was ^{chipping} ~~shipping~~ the rock inside the building and
10 he was down a good 12 -- like I said, 12. He had shoring up on
11 the sidewalk inside the fence line, but he had his plates inside
12 for his connection out in the street.

13 BY MR. CHHATRE:

14 Q. So how do you get a job from Con Edison to do this work?
15 What is the process?

16 A. We usually have a -- they send over the -- there's a
17 portal, a job portal that we go into. We sign in and the
18 paperwork is in there. We print it all out, and then we go take
19 it and make sure we have access and we can get in to perform the
20 work.

21 Q. Well, do you have to bid for the job? Or how the job
22 comes to you?

23 A. We have an annual contract.

24 Q. Okay. So how is the cost for each job, how is the cost
25 for each job determined?

1 A. How is the cost? It's all by items. It's itemized.
2 Whatever work we do, it gets itemized and at the end gets totalled
3 up. Depending on what work is performed, there's items for it.

4 Q. So you do this before you start a job and get approval,
5 or it's just standard cost item that you just bill it?

6 A. We just bill it after the standard cost item, whatever
7 is performed on that job.

8 Q. So you don't require prior approval?

9 A. Right.

10 Q. So who from Con Edison tells you that this is a job you
11 need to do, or you just go and visit the portal every day?

12 A. No. We've got CCIs. We go through the CCIs. They tell
13 us the job. It comes into the portal with all the paperwork,
14 permits, maps, and everything. We print it out.

15 Q. And for the record, what is CCI?

16 A. CCI? Construction --

17 MR. SINGH: Chief construction inspector.

18 MR. YODICE: Chief construction inspector.

19 MR. CHHATRE: Okay. Thanks. Is that inspector or
20 inspection?

21 MR. SINGH: Inspector.

22 MR. YODICE: Inspector.

23 MR. CHHATRE: Okay.

24 BY MR. CHHATRE:

25 Q. So on this job, do you remember when you got it? On the

1 Park Avenue?

2 A. We got it through that portal -- we got it through the
3 portal, and then we print it out. And then once we get it, we go
4 to check it out.

5 Q. Do you remember, roughly, the time frame?

6 A. Roughly? Had to be just about a couple of weeks before
7 we did it because that's when we -- when we first get it, that's
8 -- within a day or two we go to check it out and then that's when
9 we know when we can get in.

10 Q. Gotcha. Okay.

11 A. So, that's when the plumber was going to be there --

12 Q. Right.

13 A. -- like at least, probably close to 2 weeks after we --

14 Q. And who provides you the pipe?

15 A. Con Edison.

16 Q. Okay. Both the main and the service?

17 A. All material comes from Con Edison.

18 Q. Con Edison.

19 MR. STOLICKY: Does that include backfill?

20 MR. YODICE: Excuse me?

21 MR. STOLICKY: This is Chris Stolickey. Does that
22 include backfill?

23 MR. YODICE: The backfill?

24 MR. STOLICKY: Material.

25 MR. YODICE: The backfill material? That, we get from

1 whatever dumps we deal with.

2 BY MR. CHHATRE:

3 Q. So how do you assign the job now to people who work for
4 you guys?

5 A. Well, it depends on which crew is ready to go, because
6 pretty much whoever is qualified. We have an excavating crew that
7 goes first, usually.

8 Q. Okay.

9 A. And then we have the mechanics that come in after the
10 trench and the openings are excavated.

11 Q. Okay. And how many crews do you have in excavating and
12 doing the mechanical work?

13 A. They average anywhere from 8 to 10 crews, 12 crews,
14 depending on the day's work.

15 Q. Sure. And a crew consists of how many people?

16 A. Usually a maintenance crew is two to three people.
17 Excavation crew is five.

18 Q. Okay. And you guys did the excavation for this
19 particular job?

20 A. Yes.

21 Q. And who made the One-Call before you excavate, Con
22 Edison or you?

23 A. We do.

24 Q. Okay.

25 A. We have a --

1 Q. And was a One-Call made for this job?

2 A. When or?

3 Q. No, was --

4 A. Yes. Yes, we don't start unless we have a --

5 Q. Okay. So who makes sure that your crew meets the Con
6 Edison's requirement, qualification-wise?

7 A. Who makes? As far as -- what do you mean?

8 Q. Operator qualification. For the person who does this
9 job, how do you make sure that the person is qualified to do Con
10 Edison's job?

11 A. They have a card. They have cards that they carry with
12 them to show their qualifications.

13 Q. Do you keep the record of the qualification as a
14 company?

We make copies of the OQ card.

15 A. Do we keep a record? ~~We don't.~~ Usually Con Edison has
16 the records of, you know, who's qualified. And then the guys will
17 tell us when they're going to be due.

18 Q. But Hallen Construction doesn't keep the record of the
19 qualifications of the crew?

We make copies of the OQ card,

20 A. Does Hallen? ~~Well, somewhat,~~ but we're not required to
21 keep, you know --

22 Q. No, I understand. I guess my question is, do you or
23 don't you?

24 A. Usually we go by when the guy tells us he's going to be
25 up, and then we make an appointment to get qualified again.

1 Q. Okay. So on this day, do you remember who the crew was?

2 A. The crew?

3 Q. Do you remember who the crew was to do this job?

4 A. To do the mechanical work?

5 Q. Um-hum.

6 A. Frank Diaz.

7 Q. Yes, sir.

8 A. Rich Martello was on the machine, and I'm not sure who
9 the laborer was.

10 Q. Okay. So when you give the job, of the three people, do
11 you tell who the person is who is going to do the welding, or it's
12 up to them to decide?

13 A. Excuse me?

14 Q. Of these three crew people, they are all qualified to do
15 the fusion welding?

16 A. There's usually two, two out of the three are --

17 Q. Qualified.

18 A. -- working on the job.

19 Q. And who decides who will do the welding, actual welding?

20 A. That would be on the crew. They do whatever -- you
21 know, they work it out amongst the crew.

22 Q. So they decide; you don't decide?

23 A. No.

24 Q. Okay. Now, when you send a crew out, do you check with
25 them if they are all qualified, current in their training?

1 A. We know they're all qualified unless they tell us that
2 they're not. If they're not, they won't -- they're not -- they
3 don't go to that job that needs the pipe put in.

4 Q. But as a procedure in your company, do you ask them
5 before they are shipped to the job?

6 A. Do we ask them? We pretty much know who's up to date
7 and who's not, for the most part.

8 Q. Okay. So on this particular job, were your crew
9 qualified and current in their training to do the job?

10 A. Were they qualified? ~~yes.~~ *At the time, I believed yes.*

11 Q. And were they properly -- company qualified in training?
12 Did they qualify to do the work in terms of their training?

13 A. As far as a A-mechanic's card, yes.

14 Q. So you simply go by when the mechanic tells you that
15 "I'm qualified"?

16 A. Right. So fusion, they usually go out and get qualified
17 every year. A gas company foreman would qualify them.

18 Q. Right.

19 A. Now, for the A card, every 3 years you go back to the
20 school to get qualified.

21 Q. Do you ever go and check their work out, the job is done
22 properly?

23 A. Do I go out? Yeah. Not every day, but whatever crews I
24 got, I try to hit at least, you know, once or twice.

25 Q. Okay, during the year. So did you go to this job on

1 Park Avenue?

2 A. That job I was there in the beginning before ~~I~~ started, 
3 and then I was there -- I stopped by when we were excavating.

4 Q. Okay. But not when the crew was actually doing the
5 fusion?

6 A. No.

7 Q. How did you hear or did you hear that one of your
8 mechanics was not OQ qualified when he performed the work?

9 A. How did we hear? Probably just when that happened,
10 right? How do we -- not just a particular job, or that job?

11 Q. No, only the Park Avenue job. I'm only focusing on Park
12 Avenue.

13 A. When did we hear?

14 Q. Yes. We were told that one of the mechanics was not
15 qualified, Mr. Frank Diaz was not current on his qualification, on
16 OQ qualification. My question is when did you find out that he
17 was not OQ qualified?

18 A. When did we find out? When this happened.

19 Q. Okay, and who told you that?

20 A. But he was qualified through the Nat Grid side, which we
21 do.

22 Q. Right. And was he qualified on the Grid side to do the
23 cold fusion?

24 A. The fusion? I believe so.

25 Q. Okay. Not sure though?

1 A. No.

2 Q. Okay. And who told you that he was not qualified to do
3 the job on Park Avenue in 2011?

4 A. Just from -- they all had to go get requalified.

5 Q. Okay.

6 A. What do you mean, like who told me?

7 Q. How did you find out that when he performed the job on
8 Park Avenue in 2011 that he was not qualified?

9 A. Oh, through Con Edison.

10 Q. Con Edison. Did you remember who from Con Edison told
11 you that?

12 A. No, I just -- through the office.

13 Q. Okay. Do you remember what the conversation was like?

14 A. No. They just checked to see who -- what qualifications
15 are on their cards. Who was stamped and everything.

16 Q. Okay. That's all I have. Thank you so much.

17 A. Hmm?

18 Q. Thank you so much.

19 MR. CHHATRE: Matt? Kelly?

20 BY MR. EMEABA:

21 Q. Mr. Yodice, at what time have you have to qualify in
22 your field that's now?

23 A. For what?

24 Q. For plastic joining, anything.

25 A. At what time -- how much time? Every 3 years you got to

1 get qualified.

2 Q. Do you, as an individual, ever qualify your employee?

3 A. Do we qualify them? No, not for Con -- no.

4 Q. No.

5 A. Con Edison qualifies them.

6 Q. Everything, the 3-year, the 1-year, all the --

7 A. Right. They qualify all of it. We have nothing to do
8 with that.

9 Q. Okay. So whose responsibility is it to find out that
10 your employees remain qualified or are qualified to perform the
11 plastic joining?

12 A. Whose responsibilities?

13 Q. Yes.

14 A. I guess it's the men that are qualified tell us when
15 they need to be requalified. Like I said, every year when they
16 need to qualify they go into the -- they would do it out in the
17 field. One of the gas company foreman would come by; they would
18 qualify out in the field yearly for that. Every 3 years they
19 would go to the school to get qualified.

20 Q. Okay. So the period that's now, your own employees,
21 they are the one that informs you that they are no more qualified,
22 correct?

23 A. Well -- yeah, usually in advance, yes.

24 Q. So, in that case, if your employees never tell you they
25 are no more qualified, they could be working in the field for as

1 long as they want unqualified.

2 A. ~~Pretty much, yeah.~~ Possibly until we examined the copies of their OQ
card.

3 Q. So in your system you don't have a monitoring method to
4 know who is qualified or not? 

5 A. We usually -- when they go get qualified, we make the
6 cards. We'll make a copy of their card, not -- we don't keep them
7 on file. Once that's done, they throw it out and they get a new
8 card and we make a copy.

9 Q. Okay.

10 A. It usually goes through Con Ed, or we get, when they're
11 coming up, an e-mail saying that these guys are up, or whatever.

12 Q. So you get an e-mail?

13 A. As far as the 3-year.

14 Q. You get an e-mail from Con Ed?

15 A. Here and there we did, yes.

16 Q. So it's not consistent?

17 A. It's not consistent, no.

18 Q. Okay. Before the incident, can you remember the last
19 time you got an e-mail from Con Ed showing that some of your
20 employees were not qualified and they are due?

21 A. No.

22 Q. You can't remember?

23 A. I can't remember.

24 Q. In the past 5 years?

25 A. Not exactly, no. I can't even tell you exactly when

1 we --

2 Q. So if Con Ed does not notify you, there is nothing you
3 can do about your employees' qualifications?

4 A. Well, the guys would tell us. If their qualifications
5 come up, they would tell us and we would make an appointment with
6 the school for them to go back to the school. The fusing was done
7 out in the field.

8 Q. Okay.

9 A. The mechanic, the 3 years, you have to go to the school.

10 Q. Okay. So, in conclusion, there is no monitoring method
11 to find out they are not qualified. Okay. Thank you.

12 MR. CHHATRE: Frank?

13 MR. McCARTON: I'm good. Thank you.

14 MR. CHHATRE: Len? Okay. Chris?

15 MR. STOLICKY: My name is Chris Stolicky with the
16 Department of Public Service. I don't think we did the round. We
17 may have to do that.

18 MR. NICHOLSON: We did not. I was going to mention
19 that.

20 MR. CHHATRE: Oh, we did not?

21 MR. NICHOLSON: You didn't go round robin, but we can do
22 that.

23 MR. CHHATRE: We can go back.

24 BY MR. STOLICKY:

25 Q. Just one big question: An employee came to you one day

1 and said, "I can't go out on this job because my 12 months has
2 elapsed," what happens?

3 A. Then they don't go on that job.

4 Q. So they're not allowed to until they get requalified?

5 A. You're not allowed to work. Unless he's qualified, he
6 is not allowed to do -- go down to that job.

7 Q. Would you use him for another task? Like send him out
8 there and say, you've got to be a laborer today?

9 A. Well, you could send him out for excavating, but as long
10 as he's not touching any pipe that has to be qualified to install.

11 Q. Okay. You said that you're Con Ed OQ'd, right? Are you
12 also National Grid OQ'd?

13 A. Yes.

14 Q. Can you talk a little bit about the training you go
15 through in two different companies, and how they're alike and how
16 they're different as far as plastic fusion?

17 A. Well, on Con Ed -- Nat Grid has a database that you
18 could go onto and it shows all of everyone's qualifications.

19 Q. And you guys have access to that and track it?

20 A. Yes.

21 Q. And what about the actual training process? How is it
22 different? Meaning from the classroom setting all the way to
23 physically making a fuse and testing for that?

24 A. Well, at Nat Grid a lot of the training -- there's
25 certain things we have to go to their facility to train on. Some

1 of them they would come to our yard and do like four or five guys
2 at a time depending on the training.

3 Q. Is this the 12-month or 3-year?

4 A. That's -- for the fusing?

5 Q. Um-hum.

6 A. It's for the year.

7 Q. Okay.

8 A. I'm not sure that Con Ed has a database that has all
9 The op quals. I'm not sure about that. As far as I know, they
10 don't.

11 Q. And you've made fuses out in the field?

12 A. Me personally? I've never -- I'm qualified, but I never
13 fused out in the field.

14 Q. Okay.

15 A. I'm more -- I'm just a -- to the site, yeah, I don't --
16 no install or nothing.

17 Q. Okay. That's all I have.

18 MR. CHHATRE: But just for the record, I guess we forgot
19 to do the introductions.

20 MR. NICHOLSON: I've got some follow-ups, though. I've
21 got follow ups actually.

22 MR. CHHATRE: Okay. Let's just go and introduce
23 ourselves. Matt?

24 MR. NICHOLSON: Okay. You want to introduce now?

25 MR. CHHATRE: Yeah, and then we can --

1 MR. NICHOLSON: Matthew Nicholson, spelled M-a-t-t-h-e-
2 w, N-i-c-h-o-l-s-o-n. I'm an investigator with the NTSB. My
3 contact information is [REDACTED].

4 MR. EMEABA: I'm Kalu Kelly Emeaba; K-a-l-u, K-e-l-l-y,
5 E-m-e-a-b-a. I'm an NTSB inspector -- I'm an investigator in
6 Washington, D.C. Thank you.

7 MR. McCARTON: I'm Frank McCarton. I'm with the Office
8 of Emergency Management and New York City party rep on the
9 investigation. My e-mail is [REDACTED].

10 MR. GEORGELIS: Anastasios Georgelis -- A-n-a-s-t-a-s-i-
11 o-s, G-e-o-r-g-e-l-a-s -- Director of Field Operations for the New
12 York City DEP. My e-mail address is [REDACTED].

13 MR. SINGH: Leonard Singh -- L-e-o-n-a-r-d, S-i-n-g-h --
14 Chief Engineer of Gas Distribution Systems, Con Edison NTSB party
15 rep. E-mail: [REDACTED].

16 MR. STOLICKY: Chris Stolicky; that's S-t-o-l-i-c-k-y.
17 My title is Utility Supervisor (Safety) for the New York State
18 Department of Public Service. E-mail is:

19 [REDACTED] I'm the New York party rep.

20 MR. CHHATRE: For the record.

21 MR. HALL: Yes. Thomas J. Hall; T-h-o-m-a-s, J like
22 James, H-a-l-l. Fabiani, Cohen and Hall; F-a-b-i-a-n-i, C-o-h-e-
23 n, and Hall, H-a-l-l. 570 Lexington Avenue, New York, New York.
24 Counsel to Hallen.

25 MR. CHHATRE: Matt?

1 BY MR. NICHOLSON:

2 Q. Yeah. This is Matt Nicholson. Frank, you had started,
3 when we were discussing earlier, describing your observations when
4 you arrived on the scene to, as you said, birddog the site. Can
5 we just -- I wanted to hear more about what you saw. If you could
6 go back and elaborate a little bit what you remember?

7 A. When I pulled up, there was a plumbing contractor
8 working inside the property line of the building, the fence line.
9 He had shoring up.

10 Q. But where is the fence line of the building at this
11 point? Is it out in the street?

12 A. No, it's inside the property line.

13 Q. Oh, it is inside the property. Okay.

14 A. It's inside the property line. There was the fence, and
15 it went from the fence to the foundation wall.

16 Q. Okay.

17 A. He was excavating there. He was probably about 12 to
18 15-foot deep, and he was breaking out rock.

19 Q. What work was he doing?

20 A. He was putting a new sewer --

21 Q. Sewer line.

22 A. -- to the building and, I guess, a new water line.

23 Q. Okay.

24 A. He had to go down deep to get to the sewer into the
25 street for where he had to make a connection.

1 Q. Was he headed that -- is that where he was eventually
2 making his tie-in was out in the street?

3 A. Yes.

4 Q. Okay. But you didn't see that part exposed?

5 A. That part was steel plated at that time --

6 Q. Steel plated. Okay.

7 A. -- when I was there, but he was inside the building deep
8 enough to run his sewer to get out to the street.

9 Q. Okay. That was his work, was sewer and water tie-ins
10 out in the street. Okay. So when you're guys -- would they have
11 backfilled in between the time --

12 A. We didn't start nothing until he was pretty much done
13 with his work.

14 Q. So --

15 A. We couldn't get in there because he was -- he had that
16 -- he was in the area where we had to work.

17 Q. Right. So that -- you were basically using the trench
18 he had created when you came in to do your work?

19 A. No, no, no. He filled his trench in and we -- then we
20 worked in --

21 Q. Okay, that's what I was asking. Okay, so he backfilled
22 everything before you arrived.

23 A. He backfilled up to 3 foot where the gas had to come.
24 He backfilled everything, left it 3 foot deep so we could put our
25 gas line.

1 Q. I see. And then you backfilled from there.

2 A. He backfilled -- after we were done, he backfilled the
3 sidewalk part.

4 Q. Okay. What tools where they working with? Is it a
5 jackhammer? You were saying he was cutting through rock?

6 A. Yeah. He was breaking with a jackhammer, breaking the
7 rock near the wall. I guess he had to get down deeper. There was
8 rock under there.

9 Q. How deep was he?

10 A. He was 12 to 15 feet.

11 Q. Okay. Do you guys -- when you go out to inspect or to
12 just review a site before the work, do you take any digital
13 photographs?

14 A. Certain jobs. That one not particular. If there's
15 some -- only if there's a reason where like there's something in
16 the way that we can't perform the work. But in that case, when I
17 spoke to them they told me they were going to be there probably
18 another week or two. So then one of the other supervisors
19 happened to go by in the field at that time to see when we could
20 get in there.

21 Q. Okay. And earlier, you mentioned Richard Martello was
22 on the machine, I thought I heard you say.

23 A. Yeah. He's the backhoe operator.

24 Q. He was the backhoe operator?

25 A. Well, he was -- the day that they were doing that work

1 we had another -- we had the excavating crew to excavate.

2 Q. Well, what machine was he on the day that they installed
3 the service line, is what I was trying to figure out?

4 A. That was with the -- he was on the backhoe.

5 Q. Oh, okay. He worked that then.

6 A. Because we -- when you excavate the job, the excavating
7 crew leaves, we bring a maintenance crew in, and then he was on
8 the backhoe so he could open the plates, and then he helps out on
9 the crew, and then closes the plates up.

10 Q. Okay. So there's really no more excavation.

11 A. There's no more excavation.

12 Q. It's more about moving the plates out of the way.

13 A. Right. It was just more to just move plates.

14 Q. That's it. Got it. Okay. That's all I had.

15 MR. CHHATRE: Anybody else?

16 MR. EMEABA: Yes, I do.

17 BY MR. EMEABA:

18 Q. Based on following Matt's question -- this is Kelly.
19 You just said the plumber, they finished their plumbing work from
20 a 12-inch or sewer 12 feet deep and they backfilled and left you
21 about 3 feet deep. You made your installation of gas service,
22 correct?

23 A. Right.

24 Q. Then when you were done with your gas installation, from
25 what you just answered, you left the trench for the plumber to

1 come and backfill it for you?

2 A. On the inside part of the property line.

3 Q. From the property wall --

4 A. From the foundation wall to the fence.

5 Q. Okay. The plumber had to do it for you?

6 A. He backfilled the rest of that because -- yes.

7 Q. Okay. Which included your valves too?

8 A. Yes.

9 Q. Including your valve box that was in place?

10 A. The valve box was outside. No, the valve box was
11 outside the fence line.

12 Q. I don't think so.

13 A. The fence?

14 Q. That is a sidewalk from the building, building wall to
15 the curb valve. You had a valve there in place.

16 MR. SINGH: On the sidewalk.

17 MR. EMEABA: That is sidewalk.

18 MR. YODICE: That's a -- there was a fence up --

19 MR. NICHOLSON: Should we sketch it? Do we have
20 something to just --

21 MR. SINGH: No, I guess the question, where was the
22 fence that Frank is referring to?

23 MR. NICHOLSON: That's what I need to know.

24 MR. YODICE: The construction fence.

25 MR. SINGH: The construction fence.

1 MR. YODICE: The fence was more in from where the curb
2 was, is what I'm saying.

3 MR. NICHOLSON: It was on the sidewalk a little bit, is
4 that where --

5 MR. SINGH: But not at the curb line, you're saying?

6 MR. YODICE: The curb valve is near the curb line. The
7 fence that he had was up, was -- there was probably like 5 or 6
8 feet past the fence where the curb line was.

9 UNIDENTIFIED SPEAKER: So that was a construction fence.

10 MR. YODICE: He was inside the fence. There was a fence
11 probably, maybe, I would say probably 7 or 8 feet.

12 MR. NICHOLSON: So you filled in -- you backfilled
13 everything up to that fence after your work was finished?

14 MR. YODICE: Right. Everything that was ~~inside~~ because
15 he had -- *up to the fence*

16 MR. NICHOLSON: And he just did that then --

17 MR. YODICE: -- he had his shoring up.

18 MR. NICHOLSON: Okay.

19 UNIDENTIFIED SPEAKER: Was that a temporary construction
20 zone?

21 MR. EMEABA: Yeah. If you can show us from that map?

22 MR. CHHATRE: Here's a pencil.

23 MR. EMEABA: You can draw it too to tell us what
24 happened.

25 MR. CHHATRE: This is 1642.

1 MR. YODICE: Okay. So this is --

2 MR. CHHATRE: These are the two buildings that exploded.

3 MR. YODICE: Okay, 1642. So now is this -- where would
4 this be? The foundation wall?

5 MR. CHHATRE: That will be the -- these are the curb you
6 were on.

7 MR. YODICE: Is that the --

8 MR. NICHOLSON: Yeah. That's about --

9 MR. YODICE: Was this considered a foundation wall or is
10 this --

11 UNIDENTIFIED SPEAKER: Well, it's the building line --
12 (Simultaneous conversation.)

13 MR. YODICE: All right. So if this is the foundation
14 wall, we put our service in here. Say this is the --

15 MR. NICHOLSON: The white is the sidewalk, I think,
16 there.

17 MR. YODICE: Yeah. So there was a fence here. From
18 here to here is where he was digging deep --

19 MR. CHHATRE: Okay.

20 MR. YODICE: -- taking the rock. The curb valve was out
21 here when we put it in, and then came the street from the curb.

22 MR. EMEABA: Came the pavement.

23 MR. YODICE: But he was inside this area where he left
24 it 3 foot.

25 MR. CHHATRE: So you did not go inside.

1 MR. YODICE: But then he had, over here he had -- this
2 is when he was done, he had his -- he dug an opening here --

3 MR. SINGH: Street trench.

4 MR. YODICE: -- that was just as deep for him to make
5 his connection for his sewer, which was all backfilled when we
6 started.

7 BY MR. STOLICKY:

8 Q. Did you recall him --

9 A. Because we did an encroachment.

10 Q. Do you recall him seeing water when he was down that
11 deep? I mean, any groundwater or any water in the ground?

12 A. No, because he was inside. I don't think he -- he
13 didn't get that far to do any connection or anything with water.

14 Q. But if he was down --

15 A. He was right next to the foundation.

16 Q. He was down in a hole 12 feet deep, but do you recall
17 seeing any water down there?

18 A. No. When I seen him he was breaking rock because he
19 didn't have no piping yet. He was trying to break the rock so he
20 could make his POE into the building to run out to the street.

21 Q. Okay.

22 MR. EMEABA: So from the paving past the curb, past the
23 side curb valve, did you backfill it or did the plumber backfill
24 it?

25 MR. YODICE: At that time, I believe *the plumber*

(by)

1 BY MR. SINGH:

2 Q. When you did the survey, you're saying, the plumber left
3 you an open excavation on the inside?

4 A. Right up here, where the sleeve was to go into --

5 Q. Right.

6 A. Because we couldn't work in his opening because he was
7 too deep.

8 Q. Right. On the street, you said he had to do work in the
9 street to make a connection. Did he backfill that to the top and
10 give it to you or was it left and --

11 A. He backfilled that all to the top.

12 Q. So you had to re-excavate it?

13 A. We waited for him -- yeah, he paved --

14 Q. So you re-excavated and you backfilled that?

15 A. Yes.

16 MR. SINGH: Did that answer your question?

17 BY MR. EMEABA:

18 Q. No, no. No, that -- your response to my earlier
19 question, you said initially when you came they had a deep
20 excavation of about 12 feet deep.

21 A. Twelve to 15 feet, right.

22 Q. And you could not do anything with it. But then he had
23 to work on the sewer and the water, and after he was done, he was
24 able to backfill the entire trench and left you 3 feet.

25 A. Just near the front wall.

1 Q. From the wall.

2 A. Not in the street. The street --

3 Q. No, not in the street, from the wall. But he left you 3
4 feet from the foundation wall of the house to your own opening to
5 the street, to your -- over your pipeline, correct, of paving?

6 A. Yeah.

7 Q. He left -- because both the water line and the sewer
8 went through the same trench, except that they are deeper --

9 A. Right.

10 Q. -- in position.

11 A. Right.

12 Q. And you stated, yes, he did backfill the sewer and came
13 up to 3 feet deep, which is what he left you.

14 A. Right.

15 Q. And if we can -- if I can tell you what was on the site,
16 both the water line and your gas pipeline, the difference in that
17 were not even much, and they both go to the same street. To the
18 street where the gas main was and the water main was, the
19 difference between their depths were not even up to 6 inches
20 apart.

21 A. Yeah. He was deep for the sewer.

22 Q. I agree. But you mentioned that is a plumber, and
23 probably the same plumber must have also done the water connection
24 to the house.

25 A. Yes.

1 Q. So when he finished doing the sewer part, which is
2 deeper, he filled it up.

3 A. Right.

4 Q. And then before he exited the trench, he also did his
5 water connection, which was lower than your gas pipeline.

6 A. Right.

7 Q. Which is the same trench. And then left you, again, a
8 depth of 3 feet.

9 A. But when he did the 3 feet, he was still there. We ran
10 our pipe and then he backfilled us inside the property line.

11 Q. So he backfilled inside --

12 A. Yes.

13 Q. -- the property line. So, more or less, he backfilled
14 for you from the property line, or wall, back to the paving.

15 MR. NICHOLSON: To the fence.

16 MR. SINGH: No. To the fence.

17 MR. EMEABA: Just to the fence?

18 MR. SINGH: That's what I'm hearing.

19 BY MR. EMEABA:

20 Q. Because from your drawing, you just drew where the fence
21 was. That's why I'm asking you. So did he backfill only to the
22 fence, and then you backfill from the fence covering your valve to
23 the pave. Is that what you're saying?

24 A. Yes. Because we had to re-dig in the street. When he
25 was done, we dug trench in the street.

1 Q. No. This is my question. The curb valve is on the
2 sidewalk, it's not on the street.

3 A. Right.

4 Q. Okay. And you said he backfilled to the fence. Then my
5 question to you: Did he backfill from the house wall, the
6 foundation wall --

7 A. Foundation wall.

8 Q. -- to the fence, and then you backfilled from the fence
9 passing the curb valve, which is also on the sidewalk, to the
10 street. Is that what you're saying?

11 A. I believe so, yes.

12 Q. Okay. And if the dirt that covers from the street down
13 to the house wall are the same dirt, who supplied the dirt, the
14 backfill?

15 A. I believe he backfilled it because we had to go do an
16 encroachment. When we did the gas service, there was another
17 piece of main that had to be taken out because he went under it.
18 Once he goes under the main, it encroaches it, you got to replace
19 the cast iron. We ran our service -- he was done with his work,
20 we ran a new main to tie into the new service that we ran. You
21 copy what I'm -- you know what I'm saying?

22 Q. No, I'm listening, then I'm -- my only consideration is
23 to see how the backfill was done between the house wall to where
24 you did your tie-in.

25 A. I couldn't -- I wasn't there to see him backfill, but I

1 believe he backfilled everything and then we went in. The only
2 thing he didn't do was do the topping on the concrete, and we had
3 to cut it back up in the street.

4 Q. So you did not see it, but you believe he did it?

5 A. Yes. I could -- I would have to ask the crew that went
6 to do the backfilling.

7 Q. Okay. So how then did you know that your company, or
8 you, backfilled from the wall --

9 A. I didn't backfill from the wall. He backfilled from the
10 wall.

11 Q. No. I mean, from the wall -- not the foundation wall.
12 You said you had the foundation wall, you had a wall and then --

13 UNIDENTIFIED SPEAKER: Fence line.

14 MR. SINGH: Fence.

15 MR. EMEABA: Fence. I'm sorry. The fence.

16 BY MR. EMEABA:

17 Q. So how are you sure you backfilled from the fence to the
18 street?

19 A. He backfilled that. Oh, from that fence to the street?

20 Q. Yes.

21 A. I believe we backfilled the street. I believe he
22 probably backfilled to the curb, because he had all this done, but
23 I -- I know what you're saying.

24 Q. No, no. Can you confirm?

25 A. I could confirm, but I don't know --

1 Q. You don't know. Okay.

2 MR. NICHOLSON: Well we would have to speak, I think --

3 MR. SINGH: To the backfill crew.

4 MR. NICHOLSON: -- to backfill --

5 MR. YODICE: Right, the backfill crew.

6 MR. NICHOLSON: He's trying to say he doesn't know it.

7 MR. EMEABA: Okay. He is still the superintendent.

8 MR. NICHOLSON: I understand, but I think he said that
9 we need to speak to other individuals that were on site.

10 MR. YODICE: Right.

11 MR. NICHOLSON: Because were you not --

12 MR. YODICE: I wasn't on site when that was being
13 backfilled. That was a -- what happens is we excavate it, the
14 maintenance crew comes in, and then usually a crew comes in after
15 they're all done to backfill it, and then we put in for the
16 paving, which is another company.

17 MR. NICHOLSON: Who would those people be? Do we have
18 names? Do you know? The backfilling?

19 MR. YODICE: For backfill? Yes. Bill O'Brien. He
20 would be the foreman that, I believe, backfills.

21 MR. NICHOLSON: Okay.

22 MR. CHHATRE: Your company, right? They're from your
23 company?

24 MR. YODICE: Yes.

25 MR. CHHATRE: Okay.

1 MR. EMEABA: Thank you.

2 MR. GEORGELIS: Could I ask a question?

3 MR. CHHATRE: Frank? Go ahead.

4 UNIDENTIFIED SPEAKER: I have to do it. You have to
5 write it down.

6 MR. NICHOLSON: Well, I don't know about that. You've
7 been calling him Frank? It's not Frank, it's --

8 MR. CHHATRE: Yeah, you have no question, but you have a
9 question. Okay.

10 BY MR. GEORGELIS:

11 Q. Anastasios Georgelis asking a question, just to be
12 clear. So the contractor excavated for a sewer connection, then
13 he backfilled that up to the bottom of the water connection, and
14 then he backfilled that up to where you were going to run the gas
15 service and the gas line. Now in the street, who backfills -- did
16 the water and sewer plumber backfill to grade, and you had to
17 re-excavate to run the new gas main?

18 A. Yes. He backfilled everything. He put concrete in.

19 Q. In the street. He put concrete in the street?

20 A. He put -- he left -- he put backfill all the way to the
21 pretty much the top, and we excavated for where we had to change
22 the -- do the gas lines.

23 Q. So that's what I'm trying to clear up, and I know you
24 might not have been there. That's what you said before. He had
25 to have exposed the gas main during his excavation for the water

1 and sewer connections?

2 A. Yeah. That's why we had to change a piece of the main
3 there --

4 Q. Yeah. But then --

5 A. -- when you go deep.

6 Q. What you're saying is he backfilled that, and then you
7 came back and excavated?

8 A. Yes. He had to backfill because he was 15-foot deep.
9 We couldn't work in that opening.

10 Q. Yeah.

11 A. We were only going 3 foot.

12 Q. But he backfilled all the way to the top of -- street
13 grade?

14 A. Pretty much.

15 Q. And then you had to come in and re-excavate the gas main
16 to replace it?

17 A. Yes.

18 Q. Okay.

19 MR. CHHATRE: Len?

20 MR. SINGH: I don't have anything.

21 MR. CHHATRE: Okay. Chris?

22 MR. STOLICKY: I think I am also.

23 MR. CHHATRE: Okay. Thank you so much. I appreciate
24 your time helping us out.

25 MR. YODICE: Thank you.

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: NATURAL GAS DISTRIBUTION PIPELINE
 LEAK AND MULTISTORY STRUCTURE
 EXPLOSION IN HARLEM, NEW YORK
 MARCH 12, 2014
 Interview of Frank Yodice

DOCKET NUMBER: DCA-14-MP-002

PLACE: New York, New York

DATE: August 4, 2014

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Shannon Smearman
Transcriber