



Lawsuit Reform Alliance of New York

Justice. Fairness. Common Sense.

May 25, 2017

Commissioner Matthew Driscoll,

I am reaching out to you in your position on the Penn Station Task Force to make you aware of a unique law that costs millions and causes injuries. This issue negatively impacts all construction projects in New York State – construction projects like Penn Station.

That issue is the “Scaffold Law.” The statute carries archaic liability rules that exist only-in-New-York. Under this law, contractors and property owners – including the state and public authorities – face 100% liability in lawsuits for gravity-related construction accidents, even if the party had nothing to do with the accident.

New York’s general liability costs are the highest in the nation for construction due to the Scaffold Law. According to an estimate by the Rockefeller Institute for Government, the law adds \$785 million annually to the cost of New York’s public infrastructure projects, while causing an estimated 677 injuries. As you work to address both the short and long-term challenges of improving Penn Station, we implore you to consider recommending that the legislature fix this expensive law.

As you will see in the enclosed material, there is strong support for Scaffold Law reform from a broad coalition of interests. Our solution is simple: make liability proportional to fault, as is the case in every other state in the nation. This reform will dramatically decrease the cost of rebuilding Penn Station and all future building projects in New York. The state’s crumbling infrastructure cannot continue to suffer under this imbalanced law. We urge you to make Scaffold Law reform a priority.

Best,

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The Lawsuit Reform Alliance of New York (LRANY) is a nonpartisan non-profit coalition of hardworking New York business leaders, professionals, taxpayers, and citizens committed to changing our burdensome and expensive legal system to help create more jobs and energize our state’s economy.

cc:

Governor Andrew Cuomo
Congressman Peter King
Congressman Jerrold Nadler
Commissioner Matthew Driscoll
Mr. Kevin Law
Mr. Richard LeFrak

Mr. Joe Lhota
Mr. Steve Roth
Mr. John Samuelson
Mr. Carl Weisbrod
Mr. Tom Wright