



October 10, 2017

Dear New York Congressional Delegation Member:

On behalf of the more than seventy-five membership organizations that comprise the Scaffold Law Reform Coalition, we are writing to request that you co-sponsor HR 3808, the Infrastructure Expansion Act of 2017. Introduced by your colleague Representative John Faso, this bill will protect scarce federal infrastructure funds and help boost the economy by imposing the same liability standard on federally-funded projects that is found in 49 other states.

Unfortunately, New York remains the only state in the nation to impose absolute liability on construction projects under a statute known as the “Scaffold Law.” This outdated law holds property owners and contractors fully liable for worksite accidents, regardless of the contributing fault of the worker.

Due to this absurd standard, it costs more to build in New York than anywhere else in the country. Data collected from the Port Authority of New York and New Jersey indicates that the insurance costs on cross-border construction projects are doubled on the New York side. Researchers at the Rockefeller Institute of Government found that for taxpayers, the law results in a cost of more than \$785 million annually. It is estimated that New Yorkers are on the hook for more than \$200 million in added costs to the Tappan Zee Bridge due to this legal abnormality. The New York City School Construction Authority estimated the law cost them over \$400 million in a three-year period.

Defenders of the Scaffold Law say that it improves worksite safety, but data shows the opposite. A study deemed “practice ready” by the Transportation Research Board of the National Academies of Science, Medicine, and Engineering concluded that the law actually increases both fatal and non-fatal injuries by 670 each year.

The Scaffold Law stands as a clear symbol of New York’s combative liability environment, and although HR 3808 only covers projects that receive funding from the federal government, Representative Faso’s proposal is an important step in the right direction.

We, the undersigned, respectfully request your support.

Sincerely,



Michael J. Elmendorf
President & CEO
AGC NYS



David Fisher
President
NY Farm Bureau



Michael P. Durant
State Director
NFIB/NY



Thomas B. Stebbins
Executive Director
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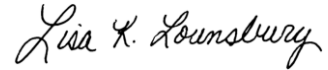
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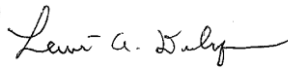
Heather C. Briccetti
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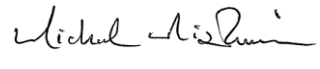
Robert J. Duffy
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