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Common Good Releases Paper on New York’s “Obsolete, Inequitable” Scaffold Law

*Law Could Add $300 Million to the Cost of the Gateway Rail Tunnel Project*

“*classic example of obsolete law, and is indicative of a problem with American law generally*”

NEW YORK, NY – **Common Good**, a national nonpartisan legal and regulatory reform coalition, today released a paper explaining why New York’s Scaffold Law is in dire need of reform.

“For too long, New Yorkers have lived with the unintended consequences of New York’s Labor Law §240, a 19th-century statute commonly called the “Scaffold Law”: enormous legal settlements, prohibitive insurance rates, and, as a result, materially higher costs for infrastructure and building projects,” the report states.

“The Scaffold Law is a classic example of obsolete law, and is indicative of a problem with American law generally. Just like other obsolete laws, the Scaffold Law is now defended only by the special interests that have formed around them, including the plaintiff’s bar that benefit from the growth of legal cases and settlements under the law,” Common Good’s paper concludes.

**Congressman John Faso (R-Kinderhook)** last month introduced the “Infrastructure Expansion Act” that would apply a "comparative negligence" standard to New York construction projects that receive federal funding. The measure would save taxpayers’ money by applying the legal standard found in the rest of the country to projects in New York. Currently, New York judges apply “absolute liability” to lawsuits brought under the Scaffold Law, which drives up the cost of every construction project in the state.

A bill that would apply comparative negligence to both private and public construction work, regardless of funding source, was introduced by **Senator Fred Akshar (R-Binghamton)** and **Assemblyman John McDonald (D-Cohoes)** in the state legislature.

**Tom Stebbins**, executive director of the Lawsuit Reform Alliance of New York said, “New York’s 130-year old Scaffold Law has been a road-block to rebuilding New York’s infrastructure and economy for far too long. New York is out of step with the 49 other states and we cannot continue to watch billions of both public and private funds go to waste on sky-high liability costs.”

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