

**U.S. Real Estate, Construction, and Insurance Sectors Support
H.R. 3548, the *Infrastructure Expansion Act***

May 6, 2026

The Hon. Sam Graves
Chairman
Transportation & Infrastructure Committee
U.S. House of Representatives

The Hon. Rick Larsen
Ranking Member
Transportation & Infrastructure Committee
U.S. House of Representatives

The Hon. Shelley Moore Capito
Chairman
Environment & Public Works Committee
U.S. Senate

The Hon. Sheldon Whitehouse
Ranking Member
Environment & Public Works Committee
U.S. Senate

The Hon. Tim Scott
Chair
Banking, Housing &
Urban Affairs Committee
U.S. Senate

The Hon. Elizabeth Warren
Chair
Banking, Housing &
Urban Affairs Committee
U.S. Senate

Dear Chairmen and Ranking Members:

Our organizations represent the U.S. real estate, construction, and insurance sectors of the U.S. economy. We strongly support the *Infrastructure Expansion Act* ([H.R. 3548](#)) and urge its inclusion in legislation to reauthorize surface transportation programs. The bill would prevent property owners, contractors, and their insurers from facing automatic liability in lawsuits related to federally-funded infrastructure and transportation projects.

Federal taxpayer resources are limited. They must be used as efficiently as possible to build all of the roads, bridges, transit, and other vital infrastructure critical to our national economy and global competitiveness. We support the *Infrastructure Expansion Act* because it will protect and extend federal tax dollars by ensuring federal projects adhere to the same legal liability standard in all states across the country.

H.R. 3548 would save up to an estimated \$2.3 billion in the Highway Trust Fund over the next five years by preempting New York's outdated absolute liability law, specifically for federally-funded projects. Unlike every other state in the nation, New York relies on a 19th-century statute that imposes absolute liability on property owners and general contractors for gravity-related worksite injuries. This absolute liability standard does not consider the degree of fault, the conduct of the injured worker, or any precautions taken by responsible employers for safe workplaces. Every other state in the nation has modernized its approach to construction site liability through comparative negligence standards that apportion responsibility fairly among all parties. H.R. 3548 would apply this national standard and establish a level playing field across the country for taxpayer expenditures on infrastructure. The measure would instill a uniform, common sense of shared responsibilities for property owners, contractors, and workers regarding safety at infrastructure construction sites benefiting from federal assistance.

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The most urgent and visible consequence of New York’s law is the extraordinary cost of insurance for federally-supported projects. Insurance costs in New York are typically double that of other states. Insurers that once competed actively for New York construction accounts have systematically withdrawn from the market, unwilling to underwrite the open-ended and unpredictable exposure created by absolute liability. The result is a shrinking pool of qualified contractors, reduced competition, and higher project costs.

Federal transportation spending in New York over the next several years is anticipated to be around \$30 billion. Thus, the range of potential savings associated with aligning New York’s liability framework with national standards would be significant. According to a [report from the Building Trades Employers Association](#), an association of union construction contractors, eliminating New York’s absolute liability tort standard could:

- Help taxpayers save between \$280-\$560 million for the Penn Station redevelopment and another \$550-\$880 million for the Port Authority bus terminal project.
- Support roughly 600 full-time jobs for every \$100 million shifted from insurance costs back into economically productive activity.

Simply put, New York’s absolute liability law encourages personal injury litigants to game the court system and seek exorbitant claims even if they are 100% at fault in causing their own injuries. Moreover, there is no evidence that New York’s absolute liability injury standard actually improves workplace safety. In fact, [2024 data](#) from the U.S. Department of Labor shows that once again New York’s construction fatality rate remains slightly below the national average. The fact that many states maintain lower injury rates than New York underscores that the state’s absolute liability standard is not tied to injury rates, especially as owners and contractors scrupulously follow federal and state safety rules.

We urge your Committees to include the *Infrastructure Expansion Act* ([H.R. 3548](#)) in transportation legislation as key to your exercise of responsible oversight of tax resources. Federal intervention is not merely appropriate in this instance – it is necessary. The federal government has both the authority and the responsibility to establish conditions that support the efficient delivery of infrastructure investment, particularly when federal highway funds are implicated. Thank you for your consideration.

Cc:

Members of the U.S. House Transportation Infrastructure Committee
Members of the U.S. Senate Environment & Public Works Committee
Members of the U.S. Senate Banking, Housing, & Urban Affairs Committee
Sponsors of H.R. 3548: The Hon. Nick Langworthy, The Hon. Claudia Tenney,
The Hon. Elise Stefanik, The Hon. Tom McClintock, and The Hon. Mike Ezell

[SIGNATORIES ON FOLLOWING PAGE]

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American Council of Engineering Companies

American Property Casualty Insurance Association

Associated General Contractors of America

Building Owners and Managers Association (BOMA) International

ICSC

Independent Electrical Contractors

Mortgage Bankers Association

NAIOP, the Commercial Real Estate Development Association

Nareit

National Apartment Association

National Association of Home Builders

National Multifamily Housing Council

National Electrical Contractors Association

Plumbing-Heating-Cooling Contractors - National Association

National Federation of Independent Business

Power and Communication Contractors Association

The Real Estate Roundtable