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Costa v. State

Supreme Court, Appellate Division, First Department, New York - May 26, 2016 - N.Y.S.3d - 2016 WL 3006030 - 2016 N.Y. Slip Op. 04119

Construction worker brought action against city for injuries he suffered when metal beam collapsed and struck him while he was performing a stair renovation on property that the state was the record title holder of, but which was maintained by a public benefit corporation created by the Hudson River Park Act.

City moved for summary judgment, and the motion was granted. Claimant moved for leave to file a late notice of claim against state. The Court of Claims denied motion. Claimant appealed.

The Supreme Court, Appellate Division, held that state was not owner of property for purposes of scaffold law and Labor Law provision imposing certain safety requirements on contractors and owners involved in construction, excavation, or demolition work.

Under Hudson River Park Act legislature intended to exempt state as registered title holder to property from any liability that would otherwise have flowed from its ownership of property that was turned over to public benefit corporation created by Act, and thus state was not owner of property for purposes of scaffold law and Labor Law provision imposing certain safety requirements on contractors and owners involved in construction, excavation, or demolition work at time of accident involving collapse of metal beam which struck construction worker while he was working on property.