

Rep. Craven, Robert E.

From: Edward Summerly <Edward.Summerly@gza.com>
Sent: Thursday, June 6, 2024 2:08 PM
To: Rep. Craven, Robert E.
Subject: House Bill 8318

Dear Representative Craven,

GZA GeoEnvironmental, Inc. ("GZA") would like to express our opposition to House Bill 8318, which would increase the statute of repose/limitations for all claims related to the Washington Bridge in Providence.

This proposed legislation is deeply concerning and will adversely impact the State of Rhode Island as well as the design professional community. Critically, this bill would have potentially severe negative impacts on the State, resulting in increased cost of public and private projects within the State, as well as an increase in insurance costs for all design professionals operating within the State. Additionally, although this bill only concerns the Washington Bridge project, it would increase insurance costs for other projects as well, because insurers would be on notice that the State is willing to take this kind of action and may seek to do so on other projects in the future. Furthermore, there are potential constitutional issues with such litigation, including equal protection and due process concerns, which could result in protracted and expensive litigation for the State.

The purpose of statutes of repose/limitations is to ensure that all claims are brought within a reasonable time, which promotes the fair administration of justice by avoiding issues like documents having been disposed of in the normal course of business, accurate memory fading over long periods of time and key witnesses being potentially unavailable due to retirement, infirmity or death. By subjecting design professionals to the proposed artificially extended statute of repose/limitations on this project, the State may find reduced willingness of design professionals to pursue opportunities on State projects.

For these reasons, GZA strongly urges you to oppose this proposed legislation.

Sincerely,
Ed

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