



*So it's always smooth sailing*  
*Established 1989*

# Longshore Situs

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*Van Greenway* CMIP, CIC, ITP, PWCA

LIG Marine Managers, Inc.

St. Petersburg, FL Tel: (727) 578-2800

IRG@LIGMarine.com

[www.LIGMarine.com](http://www.LIGMarine.com)

# Longshore and Harbor Workers' Compensation Act

STATUS



+

SITUS



= ELIGIBILITY

# Longshore Act Situs

SEC. 3. (a) Except as otherwise provided in this section, compensation shall be payable under this Act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States



# Longshore Act Situs

Navigable  
Waters?



# Longshore Act Situs



Navigable waters of the United States - Ian's Definition

A waterway on which you can directly or indirectly travel to another state, country, Gulf of Mexico or Ocean

Even if not currently navigable

US Navigable Waters = 12 nautical mile limit

Waterway use not limited to commercial but includes recreational activities



# Longshore Act Situs



Not Navigable Waters of the US

Land Locked Lake

Upstream of a Dam on a river, with no locks  
to bypass

WITHIN A SINGLE STATE

Coast Guard NOT determinative

# Longshore Situs - Seaward



Cove Tankers

Ship repairer on voyage from Philadelphia to  
New York -200 Miles out

Kolias v D.G. Marine

Galveston, Texas to Long Beach, California

Not planned in foreign waters

Covered as sailing directly between two US  
ports.

# Longshore Situs - Seaward



Weber v SC Loveland  
35 BRBS 75 (2001)

Extended benefits to employee injured in Jamaica  
Policy did not cover

“This endorsement applies only to work subject to  
the Longshore & Harbor Workers Compensation Act  
in a state shown in the schedule....”

SCARY



# Longshore Situs - Seaward



## Grennan v Crowley Marine

Coverage granted to Stevedore temporarily in Russia

## Keller v Tracy (2012)

Coverage refused in foreign territorial waters and no regular Longshore exposure

NOTE THE DIFFERENCE IS REGULAR DUTIES

# Longshore Act Situs

Including any adjoining pier, wharf, dry dock, terminal, building way, marine railway or other adjoining area customarily used by an employer in loading, unloading, repairing, dismantling, or building a vessel



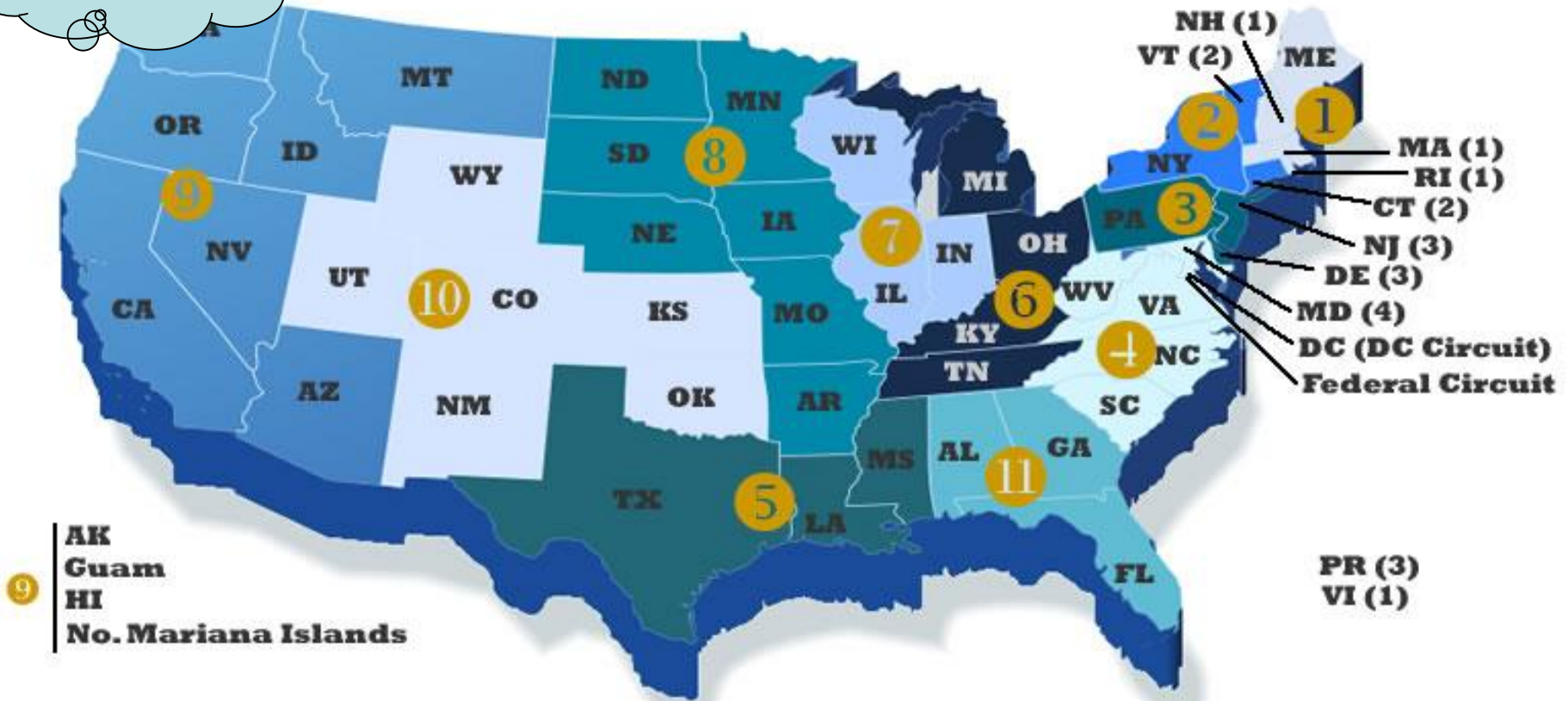
# Longshore Situs –

## *What Does Adjoining Mean?*

### United States Courts of Appeals Circuit Map

LHWCA  
Bulletin  
NO 14-02

Where did the  
accident happen?



# Longshore Situs –

## *What Does Adjoining Mean?*

*4<sup>th</sup> & 5<sup>th</sup> Circuits – LA, TX, MS, WV, VA, NC, SC*

Sidwell v. Container Services Inc &  
New Orleans Depot Services v Director OWCP  
(Zepeda)

Adjoin = “ Lie next to”

“Be touching or bounding at some point”

# Longshore Situs –

## *What Does Adjoining Mean?*

*1<sup>st</sup>, 2<sup>nd</sup> & 9<sup>th</sup> Circuits*

*ME, MA, RI, NH, CT, NY, VT, CA, OR, WA, HI, AK, ID, MT, NV, AZ*

Brady Hamilton v Herron –

### Functional Relationship

Suitability of site for Maritime Uses

Proximity of the waterway

Adjoining premises used in Maritime Commerce

As close to water as feasible



# Longshore Situs – *What Does Adjoining Mean?*

*11<sup>th</sup> Circuit – FL, AL, GA*

Texport Stevedores v Winchester

Adjoining means

“Close to”

“Near” or

“Neighbouring”

# Longshore Situs –

## *What Does Adjoining Mean?*

### *3<sup>rd</sup> Circuit – NJ, PA & DE*

Both Herron and Winchester as precedents!

# Longshore Situs –

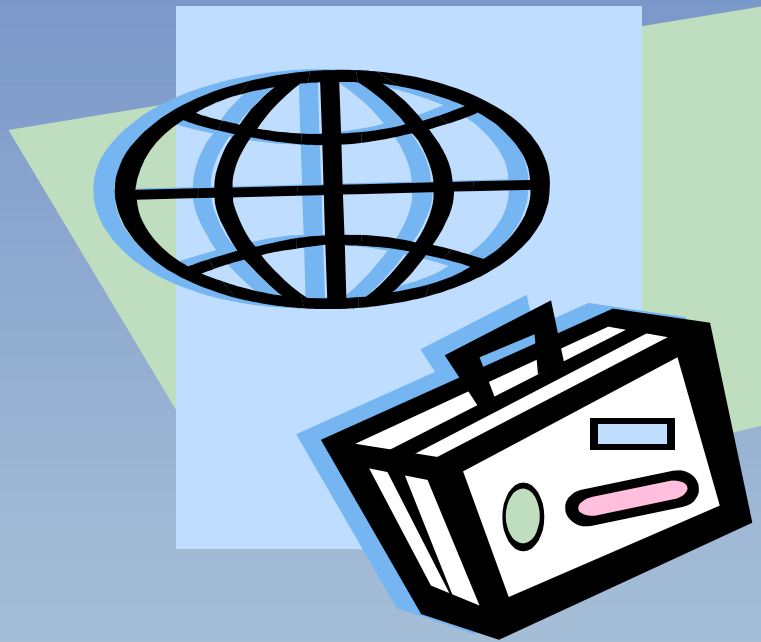
*What Does Adjoining Mean?*

*6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> & 10<sup>th</sup> Circuits – All other states*

No case precedents exist

DOL rule use of Herron

# Certified Marine Insurance Professional

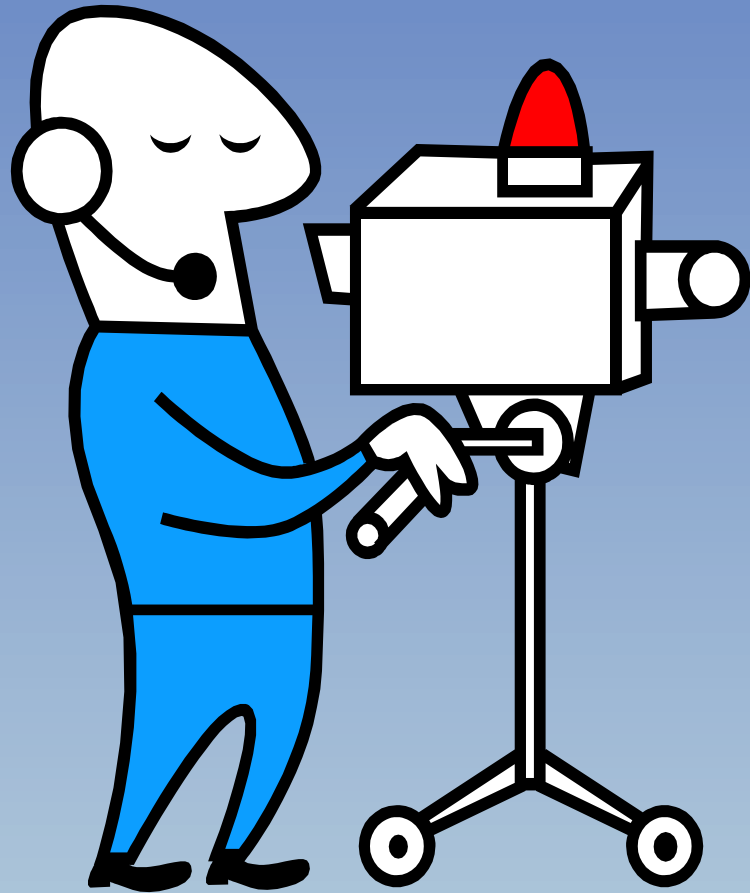


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<b>Protection &amp; Indemnity</b>	<b>July 7, 2015</b>
Longshore Insurance Coverage, Payroll, Mod, and Rules	August 11, 2015
Understanding Mutuality	September 1, 2015
Stock Throughput	October 13, 2015



