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Deepwater Horizon Oil Spill Legislation

In response to the Deepwater Horizon Oil Spill the House of Representatives is developing a comprehensive legislative response including but not limited to regulatory changes, worker safety provisions, whistleblower protection and an expansion of corporate liability for maritime accidents. Congressional leaders want committee action completed by the July Fourth recess so that a bill can be debated on the House floor before August.

Senate leaders have, to date, not been successful in several efforts to increase the oil companies' economic damages liability cap, now at $75 million. Sponsors of the bill to raise the liability cap have changed their proposal to eliminate the cap. Attention has also focused on the families of victims of the April 20th Deepwater Horizon explosion and to broader issues of liability surrounding maritime accidents. Currently, oil companies certify their own compliance with safety rules, and Congressional leaders want to update laws that limit liability for corporations involved in maritime accidents.

Legislation has been introduced to change a 1920 law to allow survivors of workers killed on offshore oil rigs to claim non-pecuniary damages and to change an existing law that limits a vessel owner's liability in a maritime accident to the post-accident value of the vessel. Transocean Ltd., owner of the sunken Deepwater Horizon rig, is seeking to limit its liability under that law. Legislation may also be introduced to bar corporations from deducting punitive-damage award costs from their taxes.

The 1920 law (PL 66-165) applies to maritime accidents occurring more than three nautical miles offshore. It allows the families of victims to claim pecuniary damages — equal to the loss of the deceased's future income, minus future taxes — but not non-pecuniary damages, "for the loss of care, comfort or companionship." Efforts are also underway to in effect overturn a 2008 Supreme Court decision — stemming from the 1989 *Exxon Valdez* spill — that limits punitive damages for corporations in maritime cases.

Oil Spill Liability Fund

On Tuesday, June 15, 2010, the President signed into law S. 3473 which amends the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill. The bill authorizes the Coast Guard to obtain multiple advances (up to $100 million each), with the total amount of all advances not to exceed the incident cap under current law ($1 billion), from the Oil Spill Liability Trust Fund to underwrite Federal response activities with regard to the discharge of oil that began in connection with the explosion on, and sinking of, the mobile offshore oil unit Deepwater Horizon.

2010 LUCC Annual Meeting

The NACo Large Urban County Caucus (LUCC) recently held its 2010 annual meeting on June 2-4th in Los Angeles, California. Chaired by Commissioner Ilene Lieberman, the LUCC meeting explored "Implementing Health Reform: Opportunities and Challenges" during the two-day event. LUCC members were informed about current activities in Washington, D.C., to implement recently enacted health reform legislation, including briefings from NACo staff, invited advocates, and Michael Blake, Deputy Associate Director for the White House Office for Intergovernmental Affairs & Public Engagement. The program also included discussions about Medicaid expansion and public health programs, a tour of the new $1 Billion LA County-USC Medical Center, exploration of the Medical Home Model approach to health care delivery, integration of park and recreation services with health and wellness improvement programs, and leveraging federal Health IT policy to accelerate health system reforms at the local level. Program participants were also informed about Los Angeles County's Mobile Medical Systems (MoMS) which supports hospital operations and enables effective patient treatment during disaster events.

USDOT and HUD Launch New Collaborative Sustainable, Livable Communities' Effort

U.S. Transportation Secretary Ray LaHood and U.S. Housing and Urban Development Secretary Shaun Donovan recently announced a collaborative effort intended to foster the planning of more livable, sustainable communities, that is, "places where transportation, housing and commercial development investments are coordinated to better serve the people living in those communities."

The U.S. Departments of Transportation (USDOT) and Housing and Urban Development (HUD) will combine to award up to $75 million in funding – $35 million in TIGER (Transportation Investment Generating Economic Recovery) II Planning Grants and $40 million in Sustainable Community Challenge Grants for localized planning activities that ultimately lead to projects that integrate transportation, housing and economic development. Federal officials point out this is the first time USDOT and HUD have worked together to develop a joint grant program and that it serves as another example of the Administration's commitment to strengthen communities by connecting transportation options, housing and economic opportunities.

This new effort advances the interagency collaboration President Obama launched in June 2009, between the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA). That collaboration, the Partnership for Sustainable Communities, is guided by six "livability principles" that are "designed to remove the traditional federal government silos that exist between departments and strategically target the agencies' transportation, land use, environmental, housing and community development resources to provide communities the resources they need to build more livable, sustainable communities."

USDOT's TIGER II planning grants may be used to plan, prepare or design surface transportation projects that would be eligible for funding under the TIGER II Discretionary Grant program. These projects include highways, bridges, transit, railways, ports or bicycle and pedestrian facilities. HUD's Sustainable Communities funding will target urban and community planning projects that foster reform, and reduce barriers to achieving affordable, economically vital and sustainable communities. Such efforts may include amending or replacing local master plans, zoning codes, and building codes either on a jurisdiction-wide basis or in a specific neighborhood or sector to promote mixed-use development, affordable housing and the re-use of older buildings for new purposes with the goal of promoting sustainability at the local level.

For more information about this program and available funding opportunities go to:

http://www.dot.gov/livability/source/FINAL%20Joint%20Planning%20NOFA%20061810.pdf.

NACo Annual Conference

The National Association of Counties will hold its Annual Conference in Washoe County (Reno), Nevada, July 16-20, 2010. The conference provides an opportunity for county officials to network, attend education sessions and workshops, and participate in NACo's steering committees which develop the organization's national platform and legislative positions in support of counties across America. Additional details about the NACo Annual Conference can be accessed on NACo's website – www.naco.org.