



Riverfront Zoning Proposal Much Improved by Revisions

Back in March, our *Policy Brief, Volume 16, Number 10* noted that the City Planning Commission was in the process of preparing new zoning regulations for property along the riverfronts for presentation to City Council. The Mayoral press release at that time claimed the old zoning regulations of “urban industrial” and “general industrial” were no longer useful for what the administration viewed as today’s mixed use development strategies. The *Brief* questioned key parts of the proposed zoning changes because of likely adverse effects on industrial users and the resulting potential to remove water borne cargo from the rivers.

The original language of the ordinance draft under “Intent” (section 907.02.J.3) says its objective is aimed at: “*Protecting existing residential, commercial, industrial, and office uses and encourage new uses that are complementary to the context of the mixed-use nature of Pittsburgh’s riverfronts*”. After the *Institute Brief* was published, and subsequently included as a Sunday feature editorial in the *Tribune Review*, and no doubt along with some lobbying by industrial firms that are located on and use the waterways, the language of this subsection was revised by the Planning Commission.

With the new language underlined it now reads: “Protecting and preserving existing industrial, residential, commercial, and office uses and encouraging new development that is complementary to the range of uses of Pittsburgh’s riverfronts without creating new use restrictions”. The addition of “preserving existing industrial” uses is a major alteration in the language in that it suggests active governmental support and encouragement of industry as opposed to merely saying existing industry will be protected. This is a much more positive tone that recognizes the important role played by industry.

Then too, rewording the proposed zoning language that originally said, “encourage new uses that are complementary to the context of the mixed use nature of Pittsburgh’s riverfronts” to read “encouraging new development that is complementary to the range of uses of Pittsburgh’s riverfronts without creating new use restrictions” is a major concessionary recognition that industrial firms seeking to locate on the rivers should not face any new restrictive zoning rules that would make it even harder to build and operate a facility than current rules impose. Moreover, the inclusion of “encouraging new

development” in this context if adhered to by the City would be a dramatic departure from recent emphasis.

It is worth restating the reason industrial users who make use of the waterways are so vital to the rivers and all the rivers represent in terms of recreation, water supply, and enhancement of the quality of life. It must be understood that the Ohio, the Monongahela, and the Allegheny rivers, as they exist today, are actually stable pools that have been created by a lock and dam system designed to facilitate waterborne transportation of goods—a system that contributed to Pittsburgh and the region becoming an industrial power. The US Army Corps of Engineers (USACE) maintains, rehabs, and when needed replaces the locks and dams, which includes funding necessary repairs or replacements.

The key factor in the USACE’s decisions regarding allocating funds (that must be approved by Federal legislation) to the upkeep and replacement of waterways infrastructure is the tonnage of cargo moving through the locks. That tonnage relates directly to the transportation cost savings created by waterways shipment as compared to other modes. Transporting goods via barge is a much cheaper alternative to either rail or truck. One barge can haul as much as 15 railcars or 58 trucks. It is estimated that transport by barge is 54 percent cheaper on a per ton mile basis than rail and 95 percent cheaper than truck.

Shipper cost savings produce multiplied economic benefits for the economy and therefore, if large enough, will justify lock and dam construction, operation and maintenance. Removing waterborne cargo from the rivers will weaken the case for spending taxpayer funds on the infrastructure in the Pittsburgh region. Prolonged and extensive diminution of cargo traffic could lead to the locks not being maintained well enough to be used and dams not repaired or replaced. Lose the dams; lose the wonderful deep pools of water that we know as the Three Rivers and all the benefits, other than cargo transportation, created by the stable river pools.

Emsworth lock and dam, which keeps the water around the city at the full pool level, was built nearly a century ago and was last rehabilitated in 1984. The estimate to repair three locks on the upper Ohio River (Emsworth, Dashields, and Montgomery) is \$2.3 billion. While the Federal government provides funding for infrastructure, barge companies pay a fuel tax that goes to construction. The current tax rate is \$0.29 per gallon of fuel used by the towboats. The revenue goes toward construction and rehabs with the Federal government providing matching funds for this tax.

An economic study conducted by the USACE notes that the region’s economy has shifted from manufacturing to education and health. The former is very dependent upon the waterways while the latter is clearly not. The most recent jobs data bears this out as manufacturing jobs in the seven county Pittsburgh MSA account for only seven percent of all nonfarm jobs. Meanwhile education and health jobs account for twenty one percent. Note too that leisure and hospitality jobs account for ten percent.

The crux of our position is that the City should not be tightening its zoning regulations to the disadvantage of the industries that rely on the rivers but should encourage those already here while promoting new firms to enter the city. Thus, it is gratifying to see the change in language in the new zoning proposal that clearly recognizes the need to protect and preserve existing industry and also proposes to encourage new development and rule out new more restrictive zoning rules that current or prospective industrial firms would face in building a new facility.

However we are still concerned about language in the section “Need for Interim Zoning” (907.02.J.2) which gives neighborhood stakeholders the ability to provide input on projects which have an impact on the public. This may provide neighborhood groups the ability to pressure future administrations to remove industrial firms who no longer fit their idea of what their neighborhood should be—e.g. Lawrenceville residents vs the McConway & Torley foundry. Furthermore, the desire to have a continuous riverfront trail could come at the expense of industrial firms who need to use riverfront property to load and unload cargo.

In short, the City has made some important revisions in the zoning language. But a watchword in the City and surrounding area must be that whatever can be done to ensure the future of the waterways as a means of cargo transport should be done. Thus it is important to keep a sharp eye out for things such as ill-considered zoning laws that could be harmful to the volume of waterborne freight on the rivers.

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