

Footnotes

¹ *St. Paul on the Mississippi Development Framework, Progress Report 1997–2003*, prepared by Saint Paul Riverfront Corporation. [http://www.riverfrontcorporation.com/Files/SPOMDF_Progress_Report_\(2003\).pdf](http://www.riverfrontcorporation.com/Files/SPOMDF_Progress_Report_(2003).pdf)

² *Knoxville South Waterfront Action Plan Report, 2006*. http://www.ci.knoxville.tn.us/southwaterfront/draft_action_plan.pdf

³ Dickinson Narrows Civic Association, Fishtown Neighbors Association, Franklin Bridge North, Neighbors Allied for the Best Riverfront, New Kensington Community Development Corporation, Northern Liberties Neighbors Association, Old City Civic Association, Old Swede's Court Homeowners' Association, Pennsport Civic Association, Port Richmond on Patrol and Civic Association, Queen Village Neighbors Association, River's Edge Community Association, Society Hill Civic Association, Society Hill Towers Homeowners' Association and Whitman Council.

⁴ "Amended and Restated By-Laws of Penn's Landing Corporation as of October 26, 1999," provided by Penn's Landing Corporation in pdf form on March 18, 2008.

⁵ Christopher Swope, "The Phantom of New York," *Governing* (November 2004), <http://www.governing.com/textbook/auth.htm>; William J. Stern, "Questionable Authorities: State Controller Hevesi Needs to Clean up New York's Corrupt Public Authorities," *City Journal* (July 22, 2004), http://www.city-journal.org/html/eon_07_22_04ws.html; "Public Authority Reform: Reining in New York's Secret Government," New York State Office of the State Controller, Alan G. Hevesi (February 2004). <http://www.osc.state.ny.us/press/releases/feb04/publicauthorityreform.pdf>

⁶ The Regional Plan Association recently studied city agency-run waterfront organizations and found that their greatest weaknesses were their vulnerability to turf issues among departments, to politicians' conflicting agendas and to poor community engagement.

⁷ Paul Levy, president of the Center City District, stated in testimony before City Council that "based on our preliminary review of Board of Revision of Taxes data, a waterfront special district from Pier 70 to Cumberland Street that assesses the commercial properties east of I-95 at a rate equal to a 10 percent surcharge of their real-estate property tax bill could generate approximately \$700,000 annually without the casinos and between \$1.7 and \$2.2 million annually if casinos come on line." "Managing the Central Delaware Waterfront," Testimony of Paul R. Levy, President, Center City District, City Council Rules Committee (February 25, 2008).

⁸ For instance, in 2003, the nonprofit Waterfront Partnership of Baltimore was formed to maintain and improve Inner Harbor, a Baltimore attraction the city had been working on since the mid-1960's. In July 2007, the group became a BID (with the unanimous approval of eighty Inner Harbor property owners). Similarly, Milwaukee began its Riverwalk Development program in 1998 and established a BID to complete improvements along the river in March 2004.

⁹ The articles of incorporation state explicitly that board composition and jurisdiction can be changed through amendment of the articles. "Restated Articles of Incorporation of Penn's Landing Corporation, Filed April 29, 1989," provided by Penn's Landing Corporation in pdf form on March 18, 2008.

¹⁰ Representatives of Penn's Landing Corporation have stated that this requirement exists.

¹¹ Penn's Landing Corporation FY 2007 990 Form, provided by Penn's Landing Corporation in pdf form on March 18, 2008.

¹² New York State included many of the reforms listed below in legislation to reform its public authorities statewide. "Public Authority Reforms Strengthen Transparency and Accountability" (May 24, 2007), <http://www.ny.gov/governor/press/0524075.html>; "Senate Passes Legislation to Reform Public Authorities" (May 21, 2007), <http://www.senate.state.ny.us/pressreleases.nsf/2e0e86fa9105ed5a85256ec30061c0be/a4bf91ce97b72786852572e20070f34b?OpenDocument>

¹³ *On the Verge: Caring for New York City's Emerging Waterfront Parks and Public Spaces*, Regional Plan Association (Spring 2007).

¹⁴ *Delaware Waterfront Economic Feasibility Analysis*, Economic Research Associates, No. 17354 (September 25, 2007). http://www.planphilly.com/files/Delaware%20Waterfront%20Economic%20Analysis_Final.pdf

¹⁵ Open-space requirements are calculated as a percentage of lot size, and lot size has been interpreted as including the area of any riparian lease. As a result, land that is underwater and undeveloped is included as open space. As a result, some owners with riparian leases satisfy open-space requirements without adding any green space.

¹⁶ *Sacramento Riverfront Master Plan* (July 2003), <http://www.sacramentoriverfront.org/master-plan.htm>

¹⁷ Monon Greenway Description, Indiana Trails.org, http://www.indianatrails.org/Monon_Carmel.htm; Bill Ruthhart and Cathy Kightlinger, "The Monon Trail Stays on the Move," *Indy Star* (May 21, 2005), http://www.biketraffic.org/southland/cal-sag/monon_on_the_move_IndyStar.pdf; "Monon Trail Celebrates 10th Anniversary," *Indy Parks and Recreation* Press Release (June 24, 2006).

¹⁸ Seattle real-estate agents found that properties near a 12-mile recreational trail sold faster and were priced 6 percent higher than similar properties farther away. "From Pollution to Parklands: Alternatives for a Waterfront Park on Hunters Point Shipyard," *Arc Ecology*, Chapter 7, <http://www.arcecolgy.org/HuntersPointWaterfrontPark.shtml>

¹⁹ A conservation easement is a written legal agreement between a landowner and a government entity or a nonprofit conservation organization that permanently restricts the use of a portion of a property to protect its conservation and recreational value. Easements "run with the land," binding the original owner and all subsequent owners to the easement's restrictions. There are no nonprofits in Philadelphia whose primary mission includes holding easements over land.

²⁰ An owner who donates a conservation easement is eligible for a federal income-tax deduction and estate-tax benefits. In 2006, the newly passed Pension Reform bill amended the conservation tax incentive that has been in place for twenty-six years by raising the maximum deduction a donor can take for donating a conservation easement from 30 percent of adjusted gross income (AGI) in any year to 50 percent, and to extend the carry-forward period for a donor to take tax deductions for a voluntary conservation agreement from five to fifteen years. In addition, the owner is eligible for a reduction in estate taxes.

²¹ A recent Pennsylvania Superior Court case, *Stanton v. Lackawanna Energy, Ltd.*, 822 A.2d 707 (Pa. Super. 2003), extended liability protection to easement holders such as land trusts and municipalities. <http://www.dcnr.state.pa.us/brc/Easements.pdf>

²² Telephone interview with Leonard Marszalek, chief operating officer, The Detroit Riverfront Conservancy (January 9, 2008). E-mail correspondence with Marc Nicol, director of planning and park development, Hartford Riverfront Recapture (January 10, 2008).

²³ A National Association of Home Builders survey in 2000 found that the top community amenity home buyers fifty-five and older look for is a walking or jogging trail. "Boomers on the Horizon: Housing Preferences of the 55+ Market" (Wylde, 2002).

²⁴ *Transformations: 2005 Annual Report*, Schuylkill River Development Corporation; *Realizations: 2006 Annual Report*, Schuylkill River Development Corporation; *Schuylkill Banks: Master Plan and Priority Projects 2004–2008*, Schuylkill River Development Corporation.

²⁵ *On the Verge: Caring for New York City's Emerging Waterfront Parks and Public Spaces*, Regional Plan Association (Spring 2007). The cost maintenance and security varies. However, the costs for the 102-acre Hudson River Park were \$111,000 in 2006.

²⁶ The legislation states that the fees will be paid to the Philadelphia Department of Commerce to implement the work of the Central Delaware Advisory Group.

²⁷ *Economic Impact Study for Millennium Park*, Chicago, released in April 2005.

²⁸ Edward K. Uhler, "The Millennium Park Effect: Creating a Cultural Venue with an Economic Impact," *Greater Philadelphia Regional Review* (Winter 2006).

²⁹ Wachter and Gillen, "Public Investment Strategies: How They Matter for Neighborhoods in Philadelphia—Identification and Analysis," The Wharton School, University of Pennsylvania (April 2006).

³⁰ In 2005, total retail sales for canoes and kayaks alone exceeded \$200 million. In 2001, thirty-four million American anglers, ages sixteen and older, spent \$36 billion on fishing, \$15 billion of which were spent on trip-related expenses. <http://www.nmma.org/facts/boatingstats/2005/files/market1.asp> <http://www.census.gov/prod/2002pubs/QFBRO.pdf>

³¹ To achieve this marina and destination green space, the Penn's Landing Corporation would need to initiate a by-law change to allow land to be devoted to recreational space rather than only to the "highest and best economic use," as currently required.

³² Estimates provided by Wallace, Roberts and Todd based on the cost to build parks that they have designed.

³³ Calculated using 2000 U.S. Census population data for Philadelphia census tracts 1, 10, 16, 17, 25, 26, 27, 42.01, 42.02, 43, 128, 129, 130, 142, 143, 158, 159, 160, 180 and 181. Exact population figure: 62,863. Does not include more recent population shifts, including the opening of Waterfront Square and the burgeoning neighborhood growth in areas such as Northern Liberties.

³⁴ Some developers may want to create two turn lanes to increase the volume of cars that can turn into their property on a single traffic signal. But unless there is a separate signal phase for turns and walking, pedestrians and cars are competing to travel during a single traffic-signal phase. Adding an additional signal phase would reduce the number of cars that could travel through the signal and largely offset the benefit of the second lane. Instead, we should increase the number of locations at which left turns from Delaware Boulevard are possible. Each new east-west street connection we create can accommodate one to two hundred more turns per hour. Multiple turn opportunities will create manageable crossings, allow more direct travel paths to different destinations and keep signal cycles relatively simple.

³⁵ At this point, the road is called Richmond Street.

^{35a} The city has evaluated Walnut, Spruce, and Pine Streets as possible east/west streets that could be complete bicycle connections from river to river, though no bicycle lanes currently exist. Stretches of Chestnut and Market Streets were also evaluated.

³⁶ The city is soliciting proposals for such a plan, and it currently covers the central Delaware area, with the exception of the area from Frankford Avenue to Allegheny Avenue. The goal of the project is to create a comprehensive plan that identifies and helps prioritize strategies that will improve Philadelphians' ability to travel more safely and frequently on foot and bike. The project will be funded with a \$180,000 TCDI grant from the Delaware Valley Regional Planning Commission. The Pennsylvania Environmental Council has received a grant as well to study the "missing links" in the East Coast Greenway, an ambitious project to create a greenway from Maine to Florida. This study will include a detailed engineering study of east-west bicycle connections to the river, but it will not address north-south connections or pedestrian issues. The study is to be completed late in Summer 2008.

³⁷ Cost estimate is based on analysis from JzTI, a Philadelphia-based transportation and public-transit consultant.

³⁸ *Ibid.*

³⁹ Cost estimate is from the *Ridge Avenue Master Plan*, completed in September 2004 and adjusted for inflation, as well as from recent architectural projects by Kise Straw and Kolodner.

⁴⁰ Cost estimate is based on a recent local purchase of pedestrian streetlights.

⁴¹ *New York City Comprehensive Waterfront Plan: Reclaiming the City's Edge* (Summer 1992).

Footnotes, continued

⁴² 2007–2008 *Seattle Climate Action Plan, Progress Report*, <http://www.seattle.gov/climate/docs/SeaCAP%20Progress%20Report2007.pdf>

⁴³ *Urban Planning Tools for Creating a Cooler, Greener Community: Implementation in the Community, Chicago Case Study* (July 2006).

⁴⁴ The average daily ridership on Bus Route 25 in 2006 was roughly 3,900 trips, up 12 percent from 2005.

⁴⁵ This estimate is based upon a large, articulated streetcar and a general traffic-lane estimate of eight hundred vehicles per hour per direction. We assume an average vehicle occupancy of 1.5 people. Transit capacity for a large, articulated streetcar is two hundred to 250 persons per vehicle, and achievable transit frequency is better than five minutes.

⁴⁶ Belt Line is a real-estate holding company whose main objective is to ensure non-discriminatory access to the Port of Philadelphia for any railroad. The Greater Philadelphia Chamber of Commerce controls 51 percent of the Belt Line.

⁴⁷ PATCO is controlled by the Delaware River Port Authority.

⁴⁸ “Southern New Jersey to Philadelphia Transit Study,” PATCO (October 2005).

⁴⁹ “Waivers to Allow Light Rail Trains to Share Track with Freight Trains Granted to San Diego, CA and Baltimore, MD,” *Railway Age* (February 2001), http://findarticles.com/p/articles/mi_m1215/is_2_202/ai_71634644; “River Line,” *South New Jersey News* (August 11, 2004), <http://www.southjerseynews.com/lightrail/>

⁵⁰ The three transit route options that PATCO is considering are the following: (1). Old City to Pier 70 shopping center (with Home Depot and Wal-Mart): A streetcar or trolley route would run from the now-closed PATCO station at Franklin Square (at Sixth and Race Streets) to the riverfront along Florist Street, up Delaware Avenue to the proposed SugarHouse Casino and down Columbus Boulevard to the Pier 70 shopping center. Later extensions could be made to the stadium complex and to the Navy Yard. (2). A variation on that proposal would extend the existing SEPTA subway-surface trolley lines to Franklin Square through a tunnel under Arch and Cherry Streets before it would continue along the riverfront. Service would be provided every five minutes at peak and every twelve minutes in the off-peak, with travel times of five minutes from Franklin Square to Spring Garden Street and fifteen minutes from Franklin Square to Pier 70. (3). Juniper and Market to Pier 70: This would extend SEPTA’s subway surface trolley service under Market Street to Front Street, where it would cross I-95 and travel along the median of Columbus Boulevard, north to the proposed SugarHouse Casino and south to Pier 70. Later extensions could be made to the stadium complex and to the Navy Yard. PATCO is also investigating a surface rail alternative for this route. Paul Nussbaum, “Two Meetings Set on Waterfront Transit,” *Philadelphia Inquirer* (January 10, 2008).

⁵¹ Chris O’Malley, “Desirable? Portland Makes It Work, But Viability Here Uncertain,” *Indianapolis Business Journal* (February 23, 2008).

⁵² Based on analysis from JzTI, a Philadelphia-based transportation and public-transit consultant.

⁵³ Federal “New Starts” or “Small Starts” funding will be needed to finance the transit line. Historically, the federal government paid 80 percent of the total cost. Under President George W. Bush, the federal government has paid only 40 to 50 percent of the total cost of the line. It is unclear what the transit-grant policy of our next presidential administration will be.

⁵⁴ Alex Krieger, “On the Waterfront,” *Preservation Magazine* (February–March 2000).

⁵⁵ Paul Lonie, by e-mail and interview, Westrum Development shared typical road-construction costs based on road-building costs Westrum encountered in 2007.

⁵⁶ Telephone interview with Joe Myers, Cooper’s Ferry Development Association (November 29, 2007).

⁵⁷ Telephone interview with City Architect Michael Moore (December 6, 2007).

⁵⁸ South Waterfront Central District Project Development Agreement (August 22, 2003), http://www.pdc.us/pdf/ura/north_macadam/project_development_agreement/project-development-agreement.pdf. The cost estimates are from a specific exhibit of the agreement at http://www.pdc.us/pdf/ura/north_macadam/8th-amendment-res_11-06/exhibit-i-1.pdf (downloaded March 11, 2008).

⁵⁹ Bill Kloos, “ITS and Sustainability: A System Operator’s Perspective,” Portland Office of Transportation (February 5, 2007), http://egov.oregon.gov/ODOT/TD/TP_RES/docs/2008NWTC2008_presentations/1A_3_kloos.pdf

⁶⁰ Based on analysis from JzTI, a Philadelphia-based transportation and public-transit consultant.

⁶¹ Thomas Barlas, “Bus Companies Ask SJTA to Withdraw New Route Plans,” <http://buses.org/files/PressofAtlanticCitystory.pdf>

⁶² Rules and Regulations, Title 58. Recreation, Pennsylvania Gaming Control Board [58 PA. CODE CH. 439], Response to Public Comment, http://www.pgcb.state.pa.us/Comments_Responses/junket/Junket_response.pdf

⁶³ Historic Streetcar Extension.org Frequently Asked Questions, National Park Service, <http://www.historicstreetcarextension.org/faq.htm> (downloaded March 19, 2008).

⁶⁴ A greenway is a corridor of undeveloped land set aside for recreational use, environmental preservation and nonmotorized transportation. A greenway can link parks, nature preserves, cultural features or historic sites. A greenway located along a river also can be termed a riparian buffer, which is a vegetated area adjacent to a water body that is fully or partially protected from human disturbance and therefore can protect the water body from pollution and restore habitat.

⁶⁵ *North Delaware Riverfront Greenway Master Plan* (2005). Completed by Pennsylvania Environmental Council, Econsult and Schelter and Associates. The plan also cites two National Park Service reports: “Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors” and “Rivers, Trails, and Conservation Assistance.”

⁶⁶ *North Delaware Riverfront Greenway Master Plan* (2005). Completed by Pennsylvania Environmental Council, Econsult, and Schelter and Associates.

⁶⁷ New York City Department of Environmental Protection Bureau of Water Supply, "City Efforts to Protect Riparian Buffer Areas" (July 31, 2004).

⁶⁸ Wenger, S., "A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation," University of Georgia, Office of Public Service and Outreach, Institute of Ecology (1999), p.12; "Riparian/Forested Buffer- Minimum Measure: Post-Construction Stormwater Management in New Development and Redevelopment," Environmental Protection Agency, http://cfpub.epa.gov/npdes/stormwater/menueofbmps/index.cfm?action=factsheet_results&view=specific&bmp=82 (downloaded July 27, 2007).

⁶⁹ Ensuring a degree of flexibility in the required size of a greenway is important to ensure that we do not remove all or most of the value from a parcel. This can be addressed by building a system of "buffer averaging" into the zoning ordinance. This allows the buffer width to be reduced at certain points at which a small parcel cannot dedicate 100 feet of land at the water's edge for a buffer or greenway. Although buffer averaging will address many concerns, in some cases landowners will need to request a formal variance from the provisions of the greenway requirement.

⁷⁰ Seiber, 364 F.3d at 1368–69; Walcek, 303 F.3d at 1355–56; Machipongo, 799 A.2d at 769–70; *Mock v. Department of Environmental Resources*, 623 A.2d 940, 948–49 (Pa. Cmwlth. 1993), *aff'd* 653 A.2d 1234 (Pa. 1995), *cert. denied* 517 U.S. 1216 (1996) (holding that a regulation does not effect a taking simply because it deprives the property owner of the most valuable use of the property). See *Jones v. Zoning Hearing Board of the Town of McCandless*, 578 A.2d 1369, 1371 (Pa. Cmwlth. 1990) (reviewing ordinance that establishes restrictions on development to preserve woodlands, streams and steep slopes and finding no taking where landowner could not develop his property as intensively for residential purposes as he could prior to the ordinance, but nonetheless could still develop his land).

⁷¹ "NJ 300-Foot Buffer Rule Upheld by Highest State Court" (October 11, 2006), <http://www.delawariverkeeper.org/newsresources/pressrelease.asp?ID=27>

⁷² *Manhattan Waterfront Greenway Master Plan* (November 2004), http://www.nyc.gov/html/dcp/pdf/transportation/mwg_full.pdf (downloaded March 13, 2008).

⁷³ Pennsylvania Statutes Annotated, title 68, sections 477-1 et seq.

⁷⁴ On the north Delaware and the Schuylkill Banks trail, this is done by providing ownership or a right-of-way to the Fairmount Park Commission.

⁷⁵ Alan Jaffe, "Buck Stops at the Infrastructure," Plan Philly (October 2007).

⁷⁶ Constructed wetlands are artificial versions of natural wetlands, using shallow bodies of standing water filled with reeds and other wetland vegetation to filter the water. Urban wetlands have been restored along the Chicago River and Denver's Platte River. As a part

of Chattanooga's 21st Century Waterfront project, the city built a 1.5-acre wetland, as well as a flooded forest and historical and recreational features, on a 23-acre downtown industrial brownfield site that contained drainage areas.

⁷⁷ Kreeger, D. "Signature Ecological Traits of the Delaware Estuary: Tidal Freshwater Wetlands," *Concepts in Delaware Estuary Science and Management* (No. 05-01, 2005), Partnership for the Delaware Estuary.

⁷⁸ Steve Lerner and William Poole, *The Economic Benefits of Parks and Open Space, The Trust for Public Land* (1999), p. 41, citing a study of a 3-mile stretch of Georgia's Alchey River. Studies have similarly attempted to value the habitat and flood-prevention functions of wetlands.

⁷⁹ Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers with oversight by the U.S. Environmental Protection Agency, gives owners who place fill in wetland areas the legal and financial responsibility to restore degraded wetlands not affected by the permitted fill or to create new wetlands.

⁸⁰ When Hurricane Isabel hit in 2003, the Anne Arundel County shoreline experienced significant damage along bulkheads, but where there was a natural shoreline with wetlands, very little damage occurred at the shoreline. Lara Lutz, "Shoring up Coasts Against Erosion: Living Shorelines Are the Latest Front in Battle to Control Sediment Loss, Preserve Habitat," *Alliance for the Chesapeake Bay Journal* (November 2005), <http://www.bayjournal.com/article.cfm?article=2651> (downloaded March 11, 2008).

⁸¹ Interview with Elmer Boles, Boles Smyth Associates (March 13, 2008).

⁸² Estimates based upon bulkhead replacement along the Schuylkill River by Elmer Boles, Boles Smyth Associates.

⁸³ John C. Kuehner, "Putting Curbs on the Cuyahoga River: 'Green' Bulkheads Are Planners' Vision," *Plain Dealer Reporter* (November 11, 2006), <http://www.cuyahogariverrap.org/newsgreenbulkhead.html>

⁸⁴ Bulkheads are being replaced with natural shoreline along the Harlem River. For details on the natural shoreline construction process, go to "Designing the Edge, Harlem River Park" (2006), <http://www.nyswaterfronts.com/downloads/pdfs/On%20The%20Edge%20News%20Final.pdf>

⁸⁵ "Results of the FHWA Domestic Scan of Successful Wetland Mitigation Programs," U.S. Department of Transportation, Federal Highway Administration, <http://www.fhwa.dot.gov/environment/wetland/scanrpt/pa.htm> (downloaded March 11, 2008).

⁸⁶ Costs provided by Dr. Marcha Johnson, landscape architect with New York City Department of Parks and Recreation and a project leader for Designing the Edge at the Harlem River Park.

⁸⁷ *Renovating Post-Industrial Landscapes—The North Delaware Riverfront, Philadelphia*. Study conducted for the Pennsylvania Environmental Council. Report written by Field Operations, Fall 2001. http://www.pecpa.org/_final_pec/DelRivRepCh5Ch6.pdf

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