

The Shining Sea Bikeway – A Triumph of Citizen Action

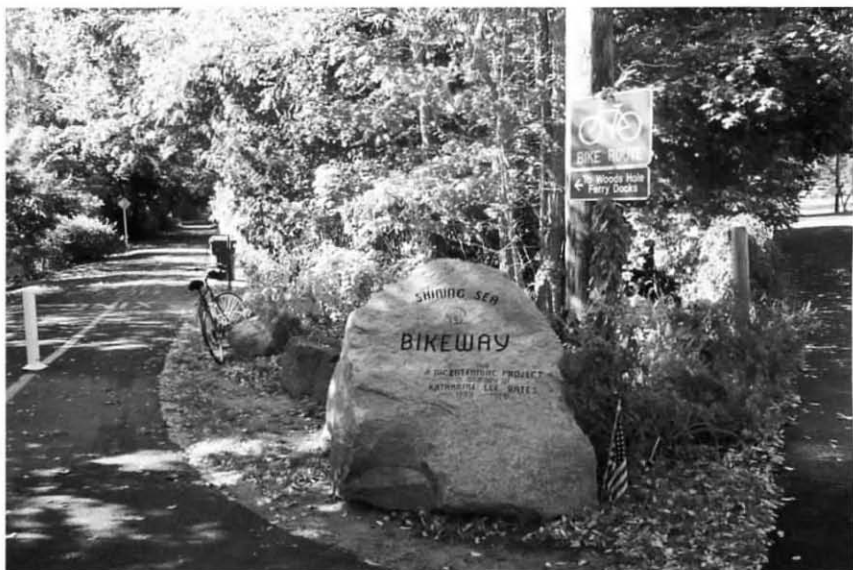
by W. Redwood Wright

It is one of the treasures of Cape Cod, passing by Little Harbor, cedar swamps and salt marsh, coastal ponds and beaches, through tree-lined arcades and quiet residential neighborhoods. It is remarkably free of litter. Venture out on the Shining Sea Bikeway between dawn and dusk, any day of the year, and you will not be alone. In the winter old friends, or at least familiar figures, are out for a little exercise, commuting to work, enjoying the scenery, on foot, bikes, roller blades or, on snowy days, cross-country skis. Summer is a busy kaleidoscope of tourists and locals of all ages, training wheels to 18-speeders to wheelchairs, every kind of human-powered rolling stock, joggers, strollers, clothing sedate to bizarre. Everyone is having a wonderful time — perhaps even those grim faced spandexed unisex high speed bikers. In spring there are the changing patterns of new greenery, in fall the gaudy splash of changing leaves, and always the comings and goings of birds large and small, occasional coyotes and fox, and all the glorious sounds of nature.

The first train arrived in Woods Hole on July 18, 1872. Nearly 93 years later, the last one departed on March 12, 1965. That last train consisted of a couple of freight cars and a New Haven Railroad work crew which took up the rails from the Woods Hole terminal as

far as Nobska Road. Between those dates the railroad, under various names, did better or worse depending on many factors. World War II hobbled tourism and postwar competition from the automobile undercut passenger rail. The railroad tried a number of times to cut passenger service on the Woods Hole run.

Hurricane Donna in 1960 spurred one of those attempts. Coming after the busy summer season, the September 12 storm washed out a couple of sections of track near Oyster Pond. Two weeks later the *Falmouth Enterprise* reported that the New Haven Railroad was in no hurry to repair the track and was trucking freight from Falmouth to Woods Hole. In early November the paper warned of permanent loss of the run, suggesting that if the Steamship Author-



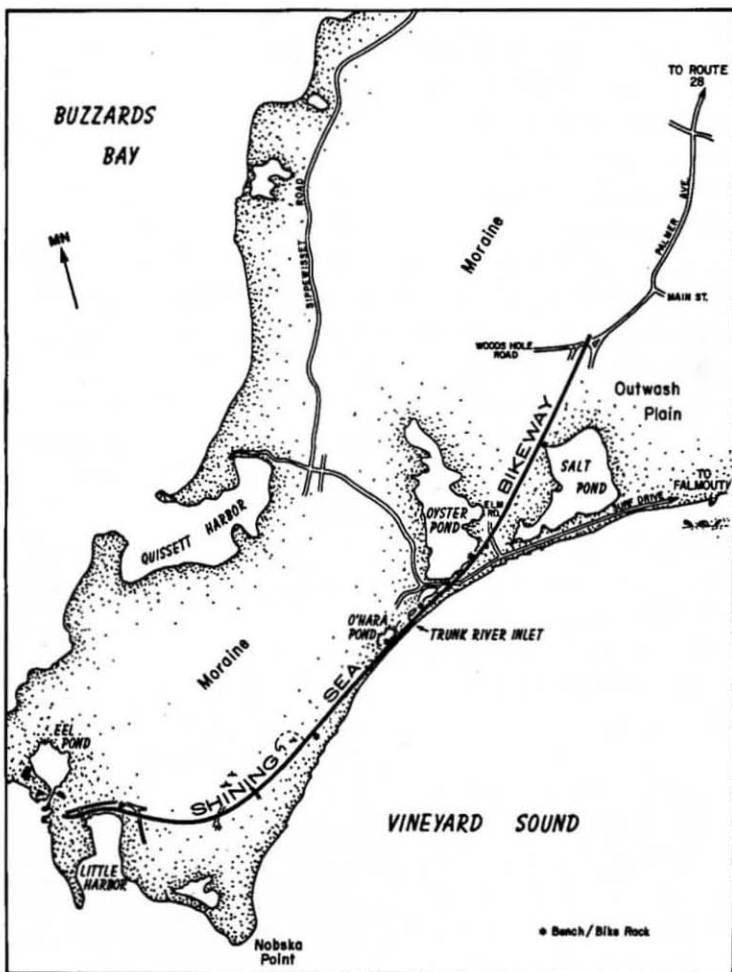
Boulder marks the Locust Street entrance to the Shining Sea Bikeway. Photo by Janet Chalmers.

ity diverted its Nantucket run to Hyannis rail use to Woods Hole would be further reduced. Then, in early December, the track was repaired! The paper reported that one reason was an attempt by a Quincy man to salvage cargo from the steamer Port Hunter, which sank in 1918 in Vineyard Sound. That venture ended in failure but it got the railroad up and running again.

Rail service to Woods Hole resumed in 1961; passenger service from New York continued until 1964, though freight service was discontinued in 1963 and the railroad was negotiating sale of its Woods Hole terminus to the Steamship Authority. In early 1965 the railroad petitioned the Department of Transportation for permission to abandon the Woods Hole run. That news caught the attention of Joan T. Kanwisher of Woods Hole, an artist and mother of two daughters with little previous involvement in civic affairs. It was her idea that the abandoned right-of-way should be converted into a bicycle and bridle path, so early in 1965 she wrote the railroad with her suggestion. To her astonishment she very quickly got a response; the railroad was interested and a representative would call on her shortly to talk about it.

Mrs. Kanwisher enlisted the cooperation of her friend Barbara Burwell, a resident of Fay Road adjacent to the railroad right of way. They met with the railroad man and began to make plans. Later that summer they were joined by David Scott, an administra-

tor at the Woods Hole Oceanographic Institution who lived on Elm Road, also near the railroad. It is remarkable that throughout the entire process, almost all of the people who lived along the right of way were enthusiastic supporters of the bicycle path, unlike many communities where strong NIMBY



Map of the Shining Sea Bikeway drawn by J. Zwinakis in 1987. It was produced by the Bikeways Committee and printed by students at Falmouth High School as part of a Shining Sea Bikeway guide available at both ends of the bicycle path. The guide featured a south-to-north description of historic, scenic and natural sites along the way. Courtesy Philip Choate.

(not in my back yard) feelings led to lawsuits and endless delays.

The Falmouth Department of Public Works, which would later play a major role in construction of the bike path, was involved in a regular way, repairing town-owned structures along the route. For example, at one point the tracks were out of service for two days while a DPW crew rebuilt the culvert at Trunk River.

Meanwhile the Steamship Authority was beginning the process of taking over the railroad's Woods Hole terminus, having abandoned New Bedford as a port. In 1965 it was able to double the size of its parking

lot by removing the abandoned tracks and black-topping the area. The next year the authority acquired a small adjacent private parking lot from Woods Hole druggist Edward Jaskun.

In December 1965 Mrs. Kanwisher presented her idea in a letter to the town Conservation Commission on behalf of "a group of citizens." The commission, a relatively new town body still with most of its original members, liked the idea but noted that no action could be taken until the land became avail-

able. Shortly thereafter member Armand Ortins reported on a conversation with Mrs. Burwell, who wanted to meet with the commission. The members responded positively and in May 1966 Mrs. Kanwisher made the case in person. The commissioners agreed that the town should try to acquire the entire right of way, so that it would be kept intact rather than

broken up among the abutters. Chairman Alfred Waller agreed to talk to the selectmen about it.

The seeds were sown, but nothing much could be done by the town in any formal way until the railroad officially abandoned the right of way. Mrs. Kanwisher and Mrs. Burwell remained person-

ally active, expanding their vision to include a northward extension to the Cape Cod Canal and even a Cape-wide network of bicycle paths. They wrote and talked to county and state officials, communicated with the Cape & Vineyard Electric Co. about possible conflicts between bike paths and power lines and visited Stanley C. Joseph, superintendent of the National Seashore, which was then in the process of creating bike trails through the Province lands — the first in any national park. They explored the possibility of state and federal funding to help with the acquisition of land or construction of pathways.



A Diesel locomotive pulling one of the last trains to enter Woods Hole, in 1963. View from bridge to Juniper Point with Little Harbor in the background. The Ballantine property is to the right just beyond the stone abutment. Courtesy Philip Choate.

The Steamship Authority remained active, trying to improve the worsening parking situation in Woods Hole village. With a lease from the railroad the authority was able to extend the terminal parking lot past the head of Little Harbor and under the Church Street bridge to a wider stretch where sidings had been removed to make additional space for cars. At the same time the old railroad station was removed, the passenger terminal was enlarged and improved, a new freight storage building was erected and utilities were put underground.

Then, on July 22, 1968, the New Haven Railroad formally petitioned the Interstate Commerce Commission for permission to abandon the segment of right of way from Woods Hole to just beyond the Locust Street grade crossing in Falmouth. The by-then bankrupt railroad declared that there was no prospect of traffic resuming along that section (though freight trains still regularly came as far as the Falmouth depot and the Grain Mill) and that some value could be obtained from sale of the land

and the rails, even the ties and ballast. A week later the Woods Hole Civic Association voted, after a lengthy discussion, to ask the selectmen to initiate steps to acquire the land for the town. Several other possibilities were mentioned, including a road and a "Toonerville Trolley." Mrs. Kanwisher noted that some of the less desirable uses could be eliminated if the land were taken for conservation. After she spoke the proposal passed 56 to 25.

The Enterprise weighed in a few days later with an editorial strongly supporting the idea of a walking and bicycling path, followed shortly by an article describing a walk along the 3.1-mile neglected railbed. Rampant poison ivy, broken glass, washed-out sections were found, but also magnificent vistas, marsh plants and abundant birdlife. The editorial also noted, presciently, that such a long level stretch might prove useful when the town eventually came up with a solution to the need for municipal sewerage.



The scenic beauty of the Shining Sea Bikeway attracts artists as well as recreational users. Nobska Light beckons bike path users to Woods Hole as they traverse the stretch from Oyster Pond past the Quissett beach and Trunk River inlet into the woods. Photo by Janet Chalmers.



Joan Kanwisher (left) and Barbara Burwell (right) with bikes and 1994 members of the Bikeways Committee (l. to r.) Sarah Gille, volunteer Chris Flescher, Don Taft, Kevin Lynch (chairperson), Eric McLaughlin, Ned Nolan and Mary Buckley. From "Building Better Bicycling," published by the Massachusetts Highway Department, 1994. Photo by Karen-Jayne Dodge.

At its August meeting the Conservation Commission took up the issue after Mr. Ortins met informally with Mrs. Kanwisher and Mrs. Burwell. The commissioners voted to write the selectmen recommending town acquisition of the land for conservation purposes; if the town were not interested, they suggested, a conservation group such as the newly organized Salt Pond Areas Bird Sanctuaries, Inc., should be encouraged to buy it. When Salt Pond inquired later about the possibility of purchase, the commission responded it would not oppose such a move so long as the property "...is held intact and opened to the public and that it be maintained as a walking, cycling and bridle path..." as suggested by the organization.

On October 10 the ICC gave its okay and the railroad began fielding inquiries from prospective buyers of part or all of the property. The railroad simply accepted offers; there was no solicitation of bids or other formal procedure. Deadline for submitting bids was April 1, 1969. One interested party was Salt Pond, which reported a pledge from an anonymous benefactor to provide the necessary funds.

In February 1969 the railroad — now Penn Central — began removing the remaining rails. Armed with a crane, a spike-pulling machine and cutting torches, a crew of about a dozen men worked its way from the Nobska Road bridge toward Falmouth. Strewn randomly on the ballast, the ties were left behind to be picked up later; some were scavenged by local volunteers for landscaping.

Selectmen called a special town meeting on April 2, principally to consider taking the right of way by eminent domain, for conservation purposes. The town's appraisers valued the land (approximately 25 acres stretched over three miles) at \$60,000. The Conservation Commission voted to recommend taking that part already in use for parking "for other municipal purposes" and the balance of the property, from Nobska Road to Falmouth, "for conservation purposes." After a meeting devoted mainly to correct wording of the article, the Finance Committee voted unanimously to support the taking. Town meeting also voted unanimously for the taking, after only a few minutes of discussion.

Everything seemed to be in order. Then, the day after town meeting the railroad announced that on

April 1 it had sold the entire stretch to Dr. H. Thomas Ballantine, a Boston surgeon and long-time summer resident of Woods Hole. Town officials and citizens were dumbstruck; no one had known of that possibility. (The selectmen had asked the railroad to put off their deadline until after town meeting; the railroad refused.)

It turned out that the Ballantine offer — later revealed to be \$76,000 — was the only one the railroad received for the entire parcel, although other parties had bid on portions that were of particular interest to them.

The Steamship Authority, for example, had submitted an offer for the stretch being used as a parking lot. Salt Pond, the Marine Biological Laboratory and the Woods Hole Oceanographic Institution had similarly covered themselves in the event the town taking failed.



The bike path passes Little Harbor en route to Steamship Authority docks. Dr. and Mrs. Ballantine, whose house and dock are on left, were most interested in this land. Photo by Janet Chalmers.

Dr. and Mrs. Ballantine said that their principal interest was in the land adjacent to their summer home, on Juniper Point at the head of Little Harbor. That property had been in the hands of Mrs. Ballantine's family more than a hundred years since it was purchased by her great-grandfather Joseph Story Fay. They wrote:

"The balance of the property is to be used as follows: 1) we hope certain areas can be preserved for

the protection of natural resources, animals, birds and plants; 2) to protect the legitimate interests of abutting property owners; 3) we hope it can be used aesthetically to enhance the town." And they offered to meet with interested parties.

Selectmen, noting that the town meeting vote to take the property was valid no matter who owned it, set up a meeting with Dr. Ballantine. That meeting did not take place until late May; it was closed to press and public and it was apparently not a success — selectmen said later they came away with no clear

idea of what the Ballantines had in mind. In subsequent meetings with Salt Pond and others, Dr. Ballantine expressed a desire to keep the property in one piece. He offered the town an easement for sewer or water lines, if needed, but declared he would oppose a similar easement for power lines. In

late July, Town Counsel Edward W. Keating filed a notice of taking at the Barnstable County Registry of Deeds. He was following instructions from the board of selectmen although Chairman Antone Mogardo declared afterward that they were still ready to talk with the Ballantines and could suspend the taking if an agreement could be reached.

Dr. Ballantine provided some clarification of his position at the summer meeting of the Woods Hole



Photos courtesy of the
Falmouth Enterprise.

Civic Association and at a meeting with abutters of the right of way, sponsored by Salt Pond, at the Moors clubhouse. He and Mrs. Ballantine would grant easements for hiking, biking and horseback riding, and for utilities, and would lease the existing parking area to the Steamship Authority, but would not relinquish ownership of the portion adjacent to their Little Harbor house. At the abutters meeting Mr. Ortins, by then chairman of the Conservation Commission, suggested that the Ballantines consider selling the rest of the parcel with a set of written safeguards. The Ballantines did so, and at a special town meeting in

October their proposal was put forward in two motions introduced from the floor by long-time town meeting member John R. Augusta. Moderator George L. Moses cautioned that the motions were not part of the warrant and the town had not

had an opportunity to consider them carefully. It was suggested that they be brought up formally at the annual town meeting the following spring. In December, Dr. Ballantine filed two articles to rescind the previous year's taking.

The maneuvering continued. In January the selectmen offered in writing to buy the entire parcel for \$76,000 and include deed restrictions to provide the protection the Ballantines wanted, subject of course

to town meeting approval. Dr. Ballantine came back with another town meeting article, to sell the town the stretch from Nobska Road to Falmouth for \$60,000 but keep the portion along Little Harbor and the parking lots. The article was submitted late and lacked the required signatures but selectmen voted to insert it in the warrant for the special town meeting to be held in conjunction with the annual meeting. By then the Finance Committee had recommended indefinite postponement of the two earlier articles.



A busy day at Trunk River. Photo courtesy of the *Falmouth Enterprise*.

In the precinct meetings running up to town meeting the economic value of the parking lot leases became an issue. Dr. Ballantine told Precinct Two members, "We were interested in Little Harbor. We had no idea of the potential value of the land..." un-

til they got involved with the state Department of Public Utilities over a Cape & Vineyard easement request and were told the parking lots could be worth \$300,000 over 20 years! Others noted that the town could use the income too. All this simply underlined the existing difficulty over ownership of that short but valuable stretch.

Town meeting members devoted more than an hour to discussion of the proposed sale but in the end it



View of Little Harbor from the bike path. Coast Guard station is on the right with Airplane House on tip of Juniper Point showing in the center. Photo by Janet Chalmers.

was defeated by a lopsided voice vote. The two articles to rescind the taking were likewise voted down. Within a week the Ballantines filed suit in Barnstable Superior Court, seeking to overturn the taking. With the matter now before the courts, not much could be done about the bike path itself, although the Steamship Authority went ahead with a planned resurfacing of the parking areas and the connecting strip along Little Harbor. Many townspeople moved on to other pressing matters such as the need for a municipal sewage treatment plant.

Not so Joan Kanwisher and Barbara Burwell. In May, Mrs. Kanwisher was named an associate member of the Conservation Commission. In August, Mrs. Burwell was appointed to the town Recreation Committee. Both continued to explore and promote the bike path idea. Mrs. Kanwisher wrote the state commissioner of natural resources, Arthur W. Brownell, who replied that the state was interested in reclaiming all railroad property on Cape Cod for trail use. Mrs. Burwell corresponded with Congressman Ed-

ward I. Koch, later mayor of New York City, about his bill to allow the use of highway trust funds for bicycle paths.

Slowly, there was movement. In 1971 the Barnstable Superior Court ruled in favor of the town of Falmouth; the Ballantines promptly appealed the decision. Town meeting denied a DPW request for funds to replace the wooden deck on the Church Street bridge, which the town had acquired when it took the railroad property. Mr. Ellis funded emergency repairs from the highway general

fund. Mrs. Kanwisher became a full member of the Conservation Commission. On behalf of the Commission, she got in touch with the Cape's Senator John Aylmer, sponsor of a bill to promote bicycle paths statewide, using "...ancient ways, railroad rights of way, utility corridors, etc." In October, the Commission introduced and Town Meeting passed a resolution of intent to acquire the seven miles of right of way running north from Falmouth village to the Bourne town line, if it should become available. Some local businessmen, dependent on rail freight service, expressed opposition.

In November, state representative Richard E. Kendall of Falmouth convened a meeting at the State House to consider the future of rail rights of way on the Cape. Attending were representatives of various state agencies, the Penn Central Railroad, and Mrs. Burwell, representing both the recreation and conservation bodies in Falmouth. She urged government action to prevent purchase of rights of way for pri-

vate use. "It is only by keeping the continuity of the rights of way intact that both rail transportation and bicycle paths will become a reality on Cape Cod," she said. A follow-up meeting was held in Falmouth on Feb. 1, 1973, when the prospects for state funds were discussed. Meanwhile in January, Mrs. Kanwisher and Mrs. Burwell, acting for their boards, sent a questionnaire to all Cape conservation commissions seeking views on the rails versus trails question, which was beginning to develop.

In Boston, Senator Aylmer and Representative Kendall introduced a bill to prevent any buildings within rights of way, to protect their integrity for future public use. In Washington, Senator Edward M. Kennedy sought federal ownership of Penn Central and other failing railroads.

The beginning of the end of the long legal battle came in late January, 1973. The appeals court upheld the validity of the town's taking of the land, allowing the bike path to go forward. However the court ruled that the town, as owner, could not lease part of its land to the Steamship Authority for a parking lot. Nor did the ruling determine what the town should pay to Dr. and Mrs. Ballantine. The decision was promptly appealed by the Ballantines to the Supreme Judicial Court, followed shortly by depositions from both the town and Joseph L. Corey Jr., who operated the parking lots on contract with the Steamship Authority. The case was considered promptly and in early July the court handed down a final ruling, in favor of the town. Not only was the taking upheld, but the town was permitted to lease the parking lot to the Steam-

ship Authority or other party. All that remained was to assess the damages, which was to take two more years. But at last Falmouth could proceed to create a bike path, four years after town meeting voted to do so.

Mrs. Kanwisher promptly enlisted the cooperation of Nathan S. Ellis III, Superintendent of Public Works, and together they surveyed the now overgrown right of way in a DPW truck. Mr. Ellis estimated that the DPW could clear the brush and create a usable pathway for \$8,000. That seems absurdly low nearly 30 years later. The three-mile stretch included three overpasses, two bridges in Woods Hole, the Trunk River crossing, three grade crossings, and some waterfront areas that were vulnerable to wash-out. Mr. Ellis has recalled that he had a very creative and resourceful staff and he felt it could be done.

He gave a convincing demonstration of those skills that fall, when one of the main carrying timbers of the Church Street bridge (built in 1879) was found to be cracked. Emergency repairs were necessary.



Roller bladers and lone walker pass Salt Pond. Photo by Janet Chalmers.



Happy smiles and scenic vistas lift spirits all along the bike path. Photos by Janet Chalmers and Redwood Wright.





Damage to bike path after Hurricane Bob, August 19, 1991.
Photos by Paul Ferris Smith, Mary Lou Smith and Donald
J. Zinn.

With the help of Angelo Burgess, a mechanic and heavy equipment operator, and Jim Pine, who had served in the Navy Seabees, a center support of concrete and telephone poles was installed for a cost of \$4066. That repair held up for 28 years, until it was removed after the 2001 road race to make way for a new bridge.

It was Mrs. Kanwisher's idea to ask the town to put up half of the \$8000 and seek the balance from the scientific institutions in Woods Hole, both of which

owned substantial frontage on the right of way. (The Oceanographic Institution had recently acquired the Fenno estate in Quissett, now WHOI's Quissett Campus, including about half a mile on both sides of the railbed. The MBL owns property that abuts the right of way for about the same distance near its



Bike path repair near Trunk River. Photo by Donald J. Zinn, courtesy Margery Zinn.

Devil's Lane and Memorial Circle housing.) With approval of the Conservation Commission, Mrs. Kanwisher approached the Board of Selectmen. She recalls that they agreed quickly, with some skepticism about the institutions' response. One selectman, she says, offered to take her out to lunch if she could get \$2000 from each. (She did, but he didn't.)

She first approached Denis Robinson, then president of the MBL Associates, who was so enthusiastic that he offered to give the Associates the money

himself if need be. Dr. Paul M. Fye, president and director of WHOI, agreed to pledge the final \$2000.

The Conservation Commission and Recreation Committee cosponsored an article to raise the town's share at the next annual town meeting. Richard A. Sherman, then town recreation director, noted that the energy crisis of the mid-1970s was getting more and more people back on their bikes. More than 300 Falmouth High School students signed a petition of support.

Meanwhile Mrs. Burwell, looking ahead, learned that state and perhaps federal funds would be available for community development as part of the nation's Bicentennial Celebration in 1976. In September 1973 she wrote Megan Jones, then Mr. Kendall's admin-

istrative assistant, that this was "a golden opportunity to motivate the legislature to allocate funds for bicycle paths." She even suggested a fleet of state-owned bicycles which could be picked up, used and dropped off at community bike depots, by anyone! In November Governor Frank Sargent signed into law the ban on construction within railroad rights of way.

There was no town meeting in the fall of 1973, but in January 1974 the bike path article passed easily at

a Special Town Meeting, which also established the town's Bicentennial Committee and appropriated \$2000 for an appraisal of the right of way north to the Bourne town line, to be ready in case it were abandoned.

Mr. Ellis got to work. Crushed stone was brought in as needed to augment the existing railbed ballast and the cinders left over from coal burning steam locomotives. To build up the section along the beach, most susceptible to storm damage, the DPW brought in clay excavated from the Gifford Street extension which was under construction at the time. The entire path was graded and sealed with 3,000 gallons of liquid asphalt. The Trunk River culvert was replaced with a wooden bridge, using some more of those telephone poles. Sturdy wooden decking was installed on the two Fay Road overpasses and the one at Nobska Road. Those structures had been strongly built for the railroad, with granite abutments and heavy timbers, but there was nothing but air

between the ties; at least one horse was known to have fallen in. Boulders were rolled into place at the grade crossings to keep motorists out. Brush was cut to widen the path. Signs were erected banning motor vehicles, discouraging littering and urging horseback riders to keep to the unpaved sides of the path. Mr. Ellis was concerned that the horses' hooves would chew up the thin layer of hardening.

In June the path was considered open, though of course hikers, bikers and horseback riders had been making use of at least parts of it since the rails were removed. In fact, while they were still in place, Fay Road resident Lon Hocker, a train buff, had borrowed a hand-car from a railroad museum and pumped his way along the path. Winfield Schley of the *Cape Cod Standard Times* took a ride along the improved path with Mr. Ellis and described it as "...a true conservationist's dream, a paradise for walkers and cyclists who want to enjoy the tranquility of nature." Others agreed, but some were less enthusiastic;

one letter-writer to the *Falmouth Enterprise* complained of grit ruining his chain and gears; another felt the surface was inadequate for use with the thin, high-pressure tires then coming into favor.

Meanwhile the Board of Selectmen negotiated a five-year lease with the Steamship Authority at a \$25,000 per year; the price had been driven up because Mr. Corey was bidding against the authority. As part of that agreement the authority guaranteed access for bike path users through the parking lots to Woods Hole village. It should be mentioned that during this en-



Quissett beach belonging to Woods Hole Oceanographic Institution on right with Falmouth Heights in background. The beach was once part of the Fenno estate which now comprises the WHOI Quissett campus. Photo by Janet Chalmers.



Photos by Janet Chalmers and Redwood Wright.

tire period the Falmouth representative on the Steamship Authority was attorney James H. Smith, who was very aware of the increasingly difficult parking situation in Woods Hole. The selectmen also negotiated an easement with the electric company (by then New Bedford Gas & Edison Light) for \$2000 per year.

That summer the Massachusetts legislature passed and the governor signed a law requiring that railroad property be offered first to a public authority. If such a law had been in place five years earlier a great deal of expense, time and aggravation could have been avoided.

In September the selectmen asked for applicants for a study committee to investigate the possibility of state and/or federal funding for improving the existing bike path and developing new ones. The Conservation Commission nominated Mrs. Kanwisher but she was not chosen. Samuel Wright, Eleanor G. Wynne, Mary Jo Bradley, Maureen E. Northern and Robert H. Ament were appointed in early November. At their first meeting they chose Mrs. Wynne as chair and Mrs. Bradley secretary, and added Mary Lehner to the committee. Selectman George Pinto briefed them on their tasks.

From the Shining Sea to the Golden Gate

by David G. Burwell

It was the Woods Hole Red Sox that sold me on rail-trails. During the three years I played on the team (1957-1960) the bike ride to the ball field was even more daunting than facing Johnnie Hough of the Hornets. First, a half-mile through the dirt and sand of Fay Road, then the long climb up Oyster Pond, Nobska and Harbor Hill roads, followed by the plunge down School Street and Millfield Street to the field. Despite my parents' stern warning to "stay off the railroad tracks!" I often bounced my fat-tired Schwinn along the track that ran in a straight line from the end of our driveway to the ferry docks — no hills!

I was therefore delighted when my mom and Joan Kanwisher encouraged the Falmouth Recreation Committee and Conservation Commission to throw their full weight behind the idea of turning the rail corridor into a trail when the New Haven Railroad stopped running. Little did

I know that later, as a law intern at a big Boston law firm, I would be asked to represent the landowner fighting the town's decision to take the right-of-way by eminent domain (I refused). But I learned an important lesson — building rail-trails is tough work.

Later, as a cub lawyer at the National Wildlife Federation, I was asked to "look into this rail-trail thing." NWF members, many of them hunters, love rail corridors, which provide cover for grouse, pheasants, quail and other game birds throughout the Midwest. The railroad industry was going down hard in the late 1970s, abandoning up to 8,000 miles of corridor a year, and farmers were plowing the rights-of-way under for crops. Could I help out?

Having by then experienced the joys of many rides and walks along the Shining Sea Bikeway, catching up with my neighbors and marveling at

The committee got right to work. They talked to Mr. Ellis about winter storm damage along the path and asked for an estimate for paving it. They interviewed John Sullivan of the state Department of Natural Resources about possible state/federal help — up to 75 per cent might be available, after July 1, 1975, he said. They prepared an article seeking formal town meeting recognition to give their actions some authority. They conferred with the police chief and the Steamship Authority about improving safety along the path. They met with consultants, with Mrs. Kanwisher and with the Cape Cod Planning and Economic Development Committee about expanding a network of bikeways on Cape Cod. (One con-

sultant on bike path construction, the international firm of Harbridge House, Inc., later used Falmouth's experience as a case study in a report to the U. S. Department of Transportation.) In March, 1975, shortly before Annual Town Meeting, the committee issued a report detailing their work to date and their plans for the town.

Mr. Ellis estimated \$25,000 for the blacktopping. He said also he felt the vulnerable section of the path along the beach should be raised two to three feet and the shoreline should be riprapped to ensure a structure that would withstand normal storm damage. The selectmen wrapped it all in one article for

the mass of humanity that flocked to the trail, I threw myself into the task. The problem was ownership. The railroads often had rights "for railroad use only" — not trails. Gathering a coalition of trail advocates together we went to see the railroad regulators. "Could unused rail corridors be 'banked' for potential future use, rather than abandoned?" we asked. "Not in our power," they replied.

More years passed. In 1985 I was reviewing a new law adding some trails to the National Trail System. Suddenly, a paragraph jumped off the page — railbanking had been enacted! Congressman John Seiberling (by chance a college classmate of my father, Lang Burwell) had learned about the railbanking idea and put it in the trails act. We were in business. In less than six months we had the Rails-to-Trails Conservancy underway.

Sixteen years later, with more than 3,000 miles of corridor railbanked and more than 11,500 miles of rail-trail open, the wisdom of saving our national system of disused rail corridors as trails

is widely recognized. The Rails-to-Trails Conservancy now has almost 100,000 members. More than a few are from Falmouth. RTC's biennial international conference draws participants from more than 20 countries, and more than 100 million users per year now share the rail-trail experience.

Of the more than 1,000 open rail-trails all across America, few match the beauty and grace of the Shining Sea Bikeway. Thanks to *Sprintsail* for the opportunity to express my appreciation to the citizens of Falmouth who worked so hard to make this trail happen, and who are working to link it up to a Cape-wide trail system.

By the way, I never did get a hit off Johnnie Hough.

David Burwell is the son of Barbara Burwell and the late Dr. E. Langdon Burwell of Woods Hole. He founded the Rails-to-Trails Conservancy in 1986 and served for 15 years as its president. When his mother asked what his vision was for RTC he replied that he wanted to "start at the Shining Sea Bikeway and go all the way to San Francisco." RTC has now created almost enough trails for two round trips!

town meeting: formal recognition as a committee; \$12,500 for resurfacing to be matched from other sources and \$1500 for the committee's expenses. The finance committee approved and the package was unanimously voted on April 15, the first night of town meeting. The deadline for applying to the Massachusetts Bicentennial Commission was April 30, but the committee had done its homework and filed the application on the 29th. On June 4 Mrs. Wynne was notified that the commission had approved the full amount, and detailed planning began.

Annual Town Meeting also voted, by comfortably more than the required two-thirds majority, to buy for \$20,500 the abandoned railroad stations in West Falmouth and North Falmouth. This move, requested by the selectmen, was a form of "land-banking" in the event that rail service might some day be restored that far.

The legal tangle resurfaced in late June when Superior Court Judge Henry M. Chmielinski awarded the Ballantines \$329,402, plus interest, for the land they had purchased for \$76,000. Both sides had waived a jury trial. A lawyer for the Ballantines

compared the award to buying an Oklahoma homestead and finding an oil well. In his eight-page ruling the judge laid forth his findings of fact and explained the rationale for the dollar amount. The short section with the parking lots was valued at \$244,500 — ten times its annual income, which Mr. Corey had testified was \$24,450; the rest of the property, all the way to Falmouth, was valued at 10 cents per square foot, or \$85,357 for roughly 20 acres. Interest was estimated at \$116,620 and climbing, the total roughly \$450,000.



Barbara and David Burwell on the Shining Sea Bikeway. *Health Magazine's* "1998 Fitness Solutions for Women Grass Roots Award" winners. Photo by Robbie McClaran.

Within days the selectmen were ready to pursue their option to request a jury trial to review the award. The Ballantines, who by then had added to their holdings by buying the property at the head of the east side of Little Harbor, responded by going back to one of their earlier offers. If the town would give back the land including the parking lots and the strip along the harbor, they would agree to "a substantial reduction" in damages. They would also provide, at no cost, easements for the bicycle path and for any needed water or sewer lines, and would continue to lease the parking lot as long as needed.

The selectmen were unwilling to give up the land, in part fearing for the future of the parking lot if it were not in municipal hands. The Ballantines wanted to avoid the uncertainty of a jury trial, which could result in a much smaller award. The dickering began, and in late August a final settlement was reached: the town would pay \$392,500, a reduction of approximately \$62,000 from the judge's award.

The Bikeways Committee and DPW worked right through the legal maneuvering. Questions were raised with Elmer White, Falmouth's safety officer, about placement of stop signs at grade crossings, speed limit and no parking signs. Discussion continued with the Steamship Authority about safety in the parking lots. The proper width of the pavement was an issue: the blacktopping would go further at seven feet, but Mr. Ellis felt eight feet would make passing easier and accommodate maintenance vehicles, and that was voted. Plans were made for benches overlooking Little Harbor and other viewpoints, and for bike racks at appropriate locations. The officers were re-elected, adding Mr. Ament as vice chair. Mrs. Lehner resigned and was replaced by Philip Choate. At a special town meeting in July the members reversed a previous vote and authorized the committee to continue the bike path on the short stretch beyond Locust Street if they had the funds.

The Department of Public Works proceeded with the blacktopping and other improvements. They received major help from two sources. The federal Comprehensive Employment Training Act (CETA) provided close to a 20 per cent increase in the DPW workforce. Distributed through all DPW departments, the CETA employees were used on the bike

path for maintenance work and the planting of beach grass for erosion control. Units of the Engineer Battalion of the Rhode Island National Guard, at Otis Air Force Base for summer training, moved quantities of heavy material, thanks to professional connections between Mr. Ellis and the base commander. The fill was used to elevate the path in the vicinity of the beach. Riprapping was done along the waterfront and the jetties at Trunk River were rebuilt, both by Falmouth contractor George Rapoza. Railings were built on both sides of the overpasses.

By Labor Day 1975 it was finished. Mrs. Wynne, Mrs. Bradley and Selectman Pinto did a round trip on bikes, accompanied by an *Enterprise* reporter. They liked what they saw and found the new surface "...effortless to ride, whether on a three or 10-speed, flat enough for the easily tired, easy enough for small children." They were concerned that there were as yet no railings on the bridge across Nobska Road and they found slight evidence of damage to the pavement by horses' hooves.



Rail at siding near former Grain Mill shows through weeds alongside bike path extension. Photo by Janet Chalmers.

The Bikeways Committee began planning for a dedication ceremony to be held sometime around Veterans Day. They announced a contest to name the new route, open to Falmouth schoolchildren from kindergarten to 12th grade. More than 250 entries were received. Most were geographical: Salt Pond Bikepath, Lighthouse Lane, Nobska Bikeway; some historical, like Moses Hatch Way. Many celebrated nature: Cedar Path, Bittersweet Path, Gull Run; and some were wild, White Lightning, Sting Ray. The committee settled on "Shining Sea Bikeway," submitted by Charlotte Hampton, a Mullen-Hall School kindergartener and the daughter of Mr. and Mrs. Arthur N. Hampton of West Falmouth.

Her prize was a new Schwinn bicycle, donated by Henry J. Ferri of North Falmouth, owner of a bike shop in Pembroke. Four runners-up were chosen, to receive bicycle accessories donated by local businessmen.

The dedication took place on Sunday, November 9, a balmy Indian summer day, at Sailors Memorial Park on Locust Street, near the end of the bike path. Some

60 invitations had been sent out to state and local officials and to those who had helped bring the dream to reality. Twice that number showed up. There were a few short speeches. The fife and drum corps played "A Bicycle Built for Two." Everybody sang "America the Beautiful," which had of course inspired the name. Charlotte Hampton cut a ribbon and many cyclists and strollers streamed onto the Shining Sea Bikeway. They have never stopped coming.

Coda

Falmouth requires town committees to meet in a public place. And so the bike path committee, Kevin Lynch chairman, meets in July and August around a card table by the side of the bike path

at Trunk River. What a way for a committee of volunteers to appreciate the value of their work! The August 2001 meeting was held on a perfect summer evening, the bike path teeming with hand-in-hand walkers and families out for a stroll, evening bikers and bladers. Swimmers ventured into the still evening water, while nearby fishermen tried their luck from the beach and jetties and a few readers made the



Replica of Pikes Peak plaque honoring Falmouth native Katharine Lee Bates for her song, "America the Beautiful," stands alongside the bike path by Oyster Pond. The Shining Sea Bikeway's name comes from the lyrics of "America the Beautiful." Photo by Janet Chalmers.

most of the fading light on the memorial benches, all beneath a nearly-full moon rising in the purpling sky.

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Acknowledgments

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ports, 1965 to 1975, the minutes of the Falmouth Conservation Commission and Bikeways Committee, and the recollections of several individuals who were active participants in the acquisition and construction of the bike path. Special thanks to Nancy Kougeas and Ann Sears of the Falmouth Historical Society; Philip Choate, former vice chair of the Bikeways Committee, whose scrapbooks are a gold mine; Armand Ortins, former chair of the Conservation Commission; Maureen Northern, former Bikeways Committee chair, who produced a copy of the valuable Harbridge House report; Nathan Ellis, DPW director while the bike path was under construction; and most of all to Joan Kanwisher and Barbara Burwell whose vision and dedication made it possible.

Biography

Redwood Wright, a retired oceanographer, was a founder of *Spritsail* and chaired its editorial board for 10 years. He was a town meeting member from Precinct One for nearly 30 years and served on the boards of many Falmouth civic organizations and on a number of town committees, including the Capital Program Committee, on which Nathan Ellis was a valued colleague. Mr. Wright uses the bike path almost every day.



Cyclists relax at the Steamship Authority ferry dock in Woods Hole, the end of their 3.1 mile ride from the Locust Street entrance to the Shining Sea Bikeway. After watching ferries come and go and pleasure craft traverse the exciting waters of Woods Hole passage and Great Harbor, they will remount their bikes and return to Locust Street, passing Little Harbor, the woods just north of Fay Road, the Quissett beach and Trunk River, Oyster Pond and Salt Pond. Photo by Janet Chalmers.