

LD 209 TESTIMONY, MAY 18, 2023

My name is Shirley Storey-King, and I live in Cumberland where forty-three property owners will be adversely affected by the creation of a rail trail adjacent to our properties on the Berlin Subdivision Rail Corridor. My family has lived in Cumberland for five generations, and I come from a family with a long history of public service. My late father, Harland Storey, served as Selectman and Councilor for over 30 years and was honored by this legislature on his passing in February. I thank you for that kind gesture. I currently serve on the Cumberland Town Council. Had I not been a Town Councilor, I would not be aware of plans that are being made for use of the rail corridor on land that was formerly part of our properties but taken by the railroad in the mid 1840s. At that time, the land belonged to Ephraim Sturdivant, the founding father of Cumberland, for the beginnings of a railroad that was to become the first international railroad in the world, with service from Portland to Montreal. There have only been two other owners in between the Sturdivants and the Storeys for many of the properties on Middle Road.

I have a number of objections to LD 209, so I appreciate your time in hearing me out. I ask you to keep an open mind, and in today's culture where plans are made rapidly and without a lot of thought to consequences, I beg you to consider the unintended consequences of a rail trail.

My first and most significant objection is to the Rail Use Advisory Council process. I know the legislature was well meaning when you passed the law that established the RUAC, but you provided little guidance in the legislation as to process and membership, other than how many members would be on the council. There was not a single landowning resident abutter on the RUAC, from any of the towns. I volunteered, but was not chosen. There was only one elected official on the RUAC and that was Falmouth Town Councilor, Hope Cahan who did not attend all the meetings and voted by proxy. All the other members of the RUAC were town administrators or represented organizations and special interest groups, not personal property owners. MRS Title 12 §1814-A, which governs Easements across rail trails, requires that interested parties be notified, yet because this process was handled by DOT and not Parks, no landowners or other interested parties in our town were informed of the process. At personal expense, I wrote to landowners in Cumberland and Falmouth and currently maintain an email list to keep people updated, yet I found out about today's hearing on Facebook. However, not to throw my friend Representative Steve Moriarty under the bus, he did later inform me as a courtesy. I contend that, at the very least, before you pass this legislation, you forward it to Parks for it to go through the process as outlined in MRS Title 12.

Initially, when asked by a small group of residents and non-residents to pass a resolution of support for creating the RUAC by Cumberland, the Town Council rejected the request. Incidentally, this was how I found out about plans that were already underway. Cumberland, like many communities, has too many more important priorities such as overcrowded schools, senior assistance, affordable housing, and safe drinking water to give any support for such a proposal. However, at our following meeting, an aspiring new councilor convinced us that unless we had a "seat at the table," we would have no say. A resolution was passed in support of forming the RUAC on the condition that one of our Councilors be appointed. Instead, the DOT Commissioner appointed our town manager and made him chair. Furthermore, our approval of support for developing the RUAC was later misrepresented as support for the rail trail by the people pushing this proposal forward. As well-intended as the Casco Bay Trail Alliance is, they are not honest and forthright in their methods.

You only have to ask our Town Manager about how flawed the entire process was, and he was the chair. We, landowners, and I dare say communities, had no say. Some will tell you that many citizens testified in favor, but they are individuals, not towns. At the public hearing which was poorly attended by members of the RUAC, Cumberland was split mostly half for, half against by residents who testified. Most of the others were well organized bike people, a majority of them from Yarmouth and Portland. I can tell you that the Town of Cumberland has many questions and concerns that I will share in a moment.

If constructed, this trail will be part of a much larger trail network called the Eastern Trail and the East Coast Greenway. The Casco Bay Trail will be the most traveled part of the Eastern Trail in Maine. Imagine the tourists off cruise ships biking to Freeport for their daily excursion. I initially had a favorable response to the idea, until I realized the vast number of people who will be biking or walking behind my house. It is estimated by the Casco Bay Trail Alliance that a half a million people will use the Casco Bay Trail a year! Since most use will occur from May to October, that's more than 2500 people a day traveling very close to homes in Cumberland and Falmouth, 25% of them being tourists. There is a lot of pressuring and lobbying being done in our communities by a substantial group of well-meaning Yarmouth residents. They were represented on the RUAC by former legislator Dick Woodbury who also happens to be the treasurer for the East Coast Greenway, headquartered in North Carolina. I point this out because I want you to know that these lobbyists have more power, money and influence than any of my Middle Road neighbors. Speaking against this trail, I have been canceled as someone who might be against baseball and apple pie by pellets of pro-bike people who like the idea without consideration of the costs, impact and consequences. I am hopeful you will hear us property owners, many of whom are hardworking citizens who cannot take the day off to come testify.

Another concern I have is the impact on the environment and wildlife. The recent passing of LD216, also submitted by Yarmouth Representative Art Bell, exempts trails from laws governing stormwater management on recreational trails. I found this information on the Bicycle Coalition of Maine's website regarding Bills of interest in the 131st Legislature. Had I known about this part of their master plan, I would have been here to testify about that law's impact to Chenery Brook, a shoreland zone protected area that runs adjacent to the railroad through Cumberland, into Falmouth, and unimpeded into Casco Bay. I have included photos in my testimony showing current uncontrolled runoff from the railbed into the stream. By reducing potential expenses such as stormwater assessment and management, the CBTA hopes to reduce the cost for their project and make the numbers more appealing.

I also included photographs I took Sunday of two young mallards who are making their home in Chenery Brook. In addition to the mallards, we have a Great Blue Heron who is a regular visitor, a bobcat, deer, turkeys, a mother fox and eight kits, and several other species who have made their habitats between Middle Road and the railroad, despite the highway. This corridor proposal has not done any due diligence to assess its impact on the environment and wildlife. All of these animals have adapted to living with us, but the human scent of literally hundreds of thousands of trail users will definitely affect them.

Additionally, a rail trail will certainly impact our land use rights and quality of life. This trail may put restrictions on how we use our land. My family has hunted this land for decades. Would hunters be restricted near this recreational area? We have also farmed this land for nearly a century. Currently, my son, whose property also abuts the rail trail, raises bucking bulls and other friendlier cattle. Who will be responsible for the safety of trespassers who decide they want to feed one of these massively handsome animals an apple off one of the many wild apple trees on our property, and become injured

or worse? Who decides who can use the trail? Will I be able to ride my horse on the trail? Will my husband be able to ride his four wheeler on the trail like he does on Northern Maine Trails? Equal access would be important, unless you're a cyclist or landowner opposed to ATVs.

My privacy will forever be invaded. I currently live a quarter mile off the main road. I have very few curtains in my windows because I love natural light and I am not concerned with privacy. It is hard to see anything from a car traveling 65 miles per hour on the highway, or even 45 miles per hour on a slow moving train. Some of my Falmouth neighbors live literally feet away from the trail. Who is to prevent trail users from looking in their kitchen, living room and bathroom windows? Honorable legislators, we still live in Maine, not New York City where people live behind window shades. I am working very hard to help keep Cumberland more rural than suburban, and I realize it's a losing battle, but if I can direct our growth in keeping with our values, property rights being one of those values, I will.

I am concerned about safety on the proposed rail trail. Who will respond to emergencies on the trail? Cumberland currently has no public access that would allow an emergency vehicle proximity to a health emergency. And, as much as the trail proponents will tell you differently, not all trails are safe. The National Association of Reversionary Property Owners has been keeping track of reported crimes on trails, and that number keeps going up. One only has to look to Portland, Oregon and the southernmost tip of the Eastern Trail to see what rail trails potentially bring. In fact, just look at Portland, Maine and see encampments along trails, and inquire as to how many police calls respond there daily. There was even a murder on one of the trails this winter. According to Portland City Manager, Danielle West on Tuesday, "The number of encampments in the city is growing at a significant rate." (Spectrum News, May 16, 2023) Where will they grow to? I'm not an alarmist; I'm a realist.

Furthermore, I have questions about the costs and maintenance of a rail trail. In addition to the expense of building the trail, will communities be expected to fund maintenance? As I mentioned before, Cumberland has many other priorities. We live in a beautiful town with a lot of publicly owned land that we already maintain. I am sorry but I would not support one cent being spent on what is essentially a bike path because I know pedestrians won't be taking casual strolls beside Interstate 295 when we have many other quiet and beautiful parks. Humans, even the most well-intended, produce pollution-from microtrash to human waste. Who will pick it up? Proponents argue for bicycle safety. In Cumberland, Route 88, Route One, and Middle Road, all parallel arteries to the proposed Casco Bay trail, have safe, paved shoulders. We cannot in good conscience tell our taxpayers we now need to contribute to this nice-to-have proposal. Our state and local tax impacts must not be ignored.

Finally, I am concerned about the charade that this process has produced. I know that one of the bills you are considering later this afternoon is in favor of expanding rail. I would support rail! The RUAC recommended a rail until trail by a very slim plurality. However, we all know that if the St. Lawrence and Atlantic rail is taken up, there will be no future rail transportation along this corridor, ever. The Casco Bay Trail Alliance is advocating for this because rail with trail is too expensive. I read you the following from their website:

The nuance (and controversy) is about whether this should be a standard rail trail or a rail-with-trail. A rail-with-trail design raises the trail construction cost considerably and introduces potentially prohibitive environmental complications through the Royal River watershed.

We argue that a rail-with-trail design is unnecessary, because there is another still-active rail corridor that makes perfect sense to prioritize for train use between Portland and Lewiston-Auburn. Thus, the best way to achieve the goals of "rail with trail" is to prioritize the active Amtrak & CSX tracks for trains and to prioritize the unused SLA corridor as a rail trail.

This is nothing short of a vaguely disguised land grab by a special interest group. The National Rails to Trails Conservancy publishes handbooks on how to make these conversions happen, further highlighting my concerns about landowners being left out of the process. That is the CBTA's intent and continues to be part of their methodology. I, testifying as an individual property owner, one of forty-three in Cumberland, will not likely carry the weight of testimony that hundreds of cyclists have. Please consider their motivation in relation to my property rights.

In summary, you should know that this hearing today appears to be yet another way to subvert a process that would require more research and fact-finding. Yarmouth Representative Art Bell has proposed this bill directly to the legislature so that the DOT has little say. Consequently, I implore you to start over. Do your research. Pay attention to MRS Title 12 and involve the Parks Commissioner. I urge you to have public hearings in each community with broader representation. Later this afternoon, you will likely hear testimony regarding LD406 that the data the RUAC used was old, recycled data (2017), even though you paid for consultants, so maybe it's important to look at the new needs for workforce transportation since Covid.

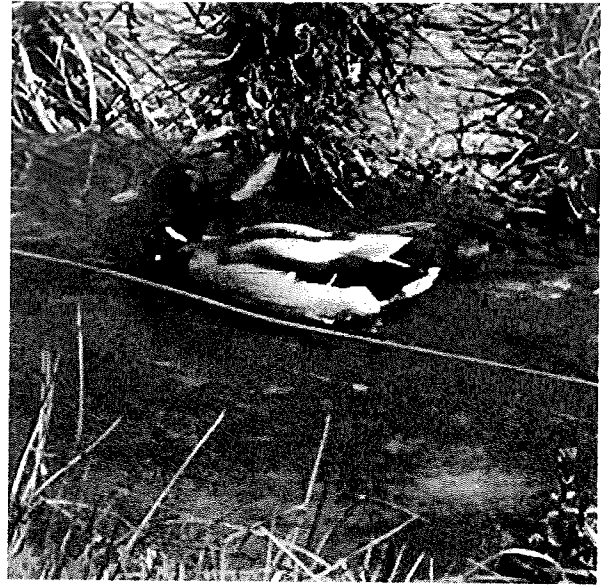
In conclusion, I urge you to kill LD209 here and now. And moving forward, when these powerful, financially backed proponents bring this up again, and they will, remember if something looks too good to be true, it's probably neither good nor true.

Thank you.

For a more balanced view, please visit our website: [stopcascobaytrail.com](http://stopcascobaytrail.com)  
Also: please watch this video: <https://vimeo.com/219210931/75e75223f2>



Railbed 5.17.23



Male mallard in Chenery Brook 5.14.23



Runoff 5.17.23



Female mallard in Chenery Brook 5.14.23



Where runoff enters Chenery Brook 5.17.23

These photos are after a period of no rain for more than a week.



Momma red fox and her babies, living close to protect her young from coyotes