June 8, 2020

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#### RE: Plea for Class-1 E-bikes for Seniors on Deschutes National Forest Single-Track Trails

I am a 70 year-old man retired in Bend. I am also a volunteer on behalf of Deschutes National Forest (DNF) through Discover your Forest. It is my pleasure to be a volunteer on one of the best managed forests I have ever lived near over the course of my lifetime of having lived in the Midwest, South, Northeast, and Western US. I heartily thank all of those serving as dedicated employees of DNF for their stewardship of the precious resource all of us in Central Oregon are lucky enough to have and enjoy right here in our own back yard.

During the pandemic one of the things that has kept me sane is to get to forest lands to ride my mountain bike. We are blessed here in Central Oregon to have many single-track, and other trails, housed in DNF. I can get away from crowds and get exercise on trails quickly in this area. However, as I have aged, I find myself getting off my mountain bike more frequently to walk up the steeper hills on the Phil’s Trailhead Complex of single-track trails. Now beset with some pulmonary insufficiency, I become short of breath on steep hill climbs on my mountain bike. Given my age-related decline in physical strength and stamina, along with shortness of breath on climbs, a Class-1 E-bike would allow me to continue enjoying single-track trails while getting exercise beneficial to my quality of life.

I am a bit chagrin to find that DNF prohibits all E-bikes on single-track trails. This in the face of the fact per the USFS national website, that 40% of all trails on USFS managed forests and grasslands allow E-bikes. I don’t understand why DNF does not at least allow Class-1 E-bikes since they are limited to 20 mph maximum assistance and only operate only when the rider pedals. However, there may indeed be rationale for not allowing Class-2 & 3 E-bikes on narrow single-track trails.

The rationale for allowing Class-1 E-bikes is that they are only pedal-assisted - meaning the electric assistance of the motor will not operate unless the rider is pedaling. Also, the bike limits the assistance to 20 mph maximum, and the electric wattage is generally less than Class-2 & 3 E-bikes. Class-2 & 3 E-bikes have a throttle in effect that can propel the bicycles without a rider pedaling, and with higher wattage motors on some E-bikes which can reach speeds up to 30-40 mph.

I believe that DNF marks all of its trails, and some paved paths, with “No Motor Vehicles” to prevent ATVs, Motorcycles, Cars/Trucks/RVs from using said trails. That is clearly understandable since most trails and paths are most suitable for pedestrians and bicycles. However, there is a very interesting definition that the USFS uses for ‘Motor Vehicle’ that resides in the CFRs:

***36 CFR § 212.1 Motor vehicle. Any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired***[***person***](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cca081f2bb5d245bda4580c2853db62b&term_occur=999&term_src=Title:36:Chapter:II:Part:212:Subpart:A:212.1)***for locomotion, and that is suitable for use in an indoor pedestrian***[***area***](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2ba73c19d51bc36897857802f19d17bb&term_occur=999&term_src=Title:36:Chapter:II:Part:212:Subpart:A:212.1)***.***

The ‘Motor Vehicle’ CFR definition does not disqualify a Class-1 E-bike from being used on trails in DNF. A Class-1 E-bike is ***not*** self-propelled. It only engages the motor assistance when a rider pedals. Thus, in my opinion, the definition and issue needs to be revisited and the definition either adjusted to include Class-1 E-bikes, or that DNF should embrace a rule change that allows Class-1 E-bikes on all its trails and paved pathway systems.

Locally in Central Oregon, the Central Oregon Trial Alliance (COTA) is tacitly biased against any E-bikes on any of the trails they maintain on public lands. This is unfortunate since I am a member of COTA, and I value the work they do in creating, maintaining, and promoting the sport of Mountain Biking. The case against E-bikes that I have heard and read about include the concern that they may degrade single-track trails (eg spinning of rear wheels) and potentially cause speeding incidents. While the potential for those E-bikes that are Class-2 & 3 could potentially to do just that may be justified, that is simply not the case with Class-1 E-bikes.

The other case against E-bikes is that I have heard that mountain bike single-track ‘purists’ insist that E-bikes will destroy the pure sport of human-powered mountain biking on single-track trails. To that I say, the USFS public lands are for everyone, not just a select group of sports-enthusiasts biased against a pedal-assisted E-bike for seniors who could use an assist to continue to enjoy public trails. To those much younger riders who by my observation are intent on as much speed as possible going downhill, I would suggest they take that specific interest to Mt. Bachelor where ostensibly they can go as fast as they wish on the dedicated downhill courses thereon.

It is also my observation on the DNF single-track trails that all level of riders are on the trails from children to seniors. Thus, in the course of a day’s ride, some will be passed routinely by those going faster, and that proximity of slower and faster pedaling cyclists should not upset ‘purists’, since the trails are not for sporting competitions only, but for everyday riders enjoying our forest lands. Additionally, COTA has done a spectacular job of creating special zones in the Phil’s Complex for those who wish to embrace jumps and other challenging maneuvers and terrain, while the vast majority of the single-track trails are for riders of all levels, and the trails are marked according to difficulty as such. It is a shame as a senior with diminishing physical stamina, that I cannot use a pedal-assisted E-bike on DNF single-track trails – and I am not alone.

Locally here in Central Oregon there are others discussing the wish to have the assistance of E-bikes as well. These needs are from the rapidly growing retirement community in our area. In our local newspaper, *The Bulletin*, articles about seniors with age-related issues wishing they also could use the assistance of the appropriate E-bike to give them the boost they need on trails have been published. I have printed some off for your review. The most interesting part of the articles are some of the comments from the community – of course some are for, and some are against E-bikes on trails. I can also assure you that I, and other 65+ Seniors, are the age-group the least interested in degradation of single-track trails, and/or creating speeding incidents.

At the least DNF should allow pedal-assisted Class 1 E-bikes that do not exceed 20 mph for those 65+ years old. This would allow those of us with some physical limitation to continue to remain active using the trails. Capping a rule to an age group may be controversial, but it is this age group that needs the most assistance offered by E-bikes in order to remain active and be able to use our public lands that have bicycle trails.

I posit a compromise for seniors 65+ being able to use single-track trails with limited top speeds using pedal-assisted bikes would not be too far from the intent of what the American Disability Act (ADA) did for the disabled wherein some logical and needed accommodation was made for those with physical limitations. While recreation is not the same necessity that the availability of restrooms and entrances to buildings for those benefiting from the ADA, as one ages past 65, many folks could use an assist on an e-bike in order to remain active and to manage trails with hills.

I have discussed this matter via Zoom with Justin Ewer, and we had a constructive conversation, and I greatly appreciated his willingness to embrace the discussion. I realize he is not in a position by himself to drive a change in the current rule of no E-bikes on single-track trails in DNF. However, I am hoping that your review of my plea and the correspondence enclosed will help drive a consideration for a change in allowing the usage of Class-1 E-bikes on DNF public lands that have bicycle trails and other roadways for Seniors 65+. I would be happy to engage anyone at DNF in additional discussion if there is any need for clarification or additional dialogue that I could provide toward my plea. I thank you in advance for your consideration of the needs of the 65+ age group in remaining active, healthy and out on public land trails using Class- 1 E-bikes.

Regards,

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Enclosures: Online Version of Columns Published from *The Bulletin*, Bend, Oregon:

 Guest Column, May 9,2020 – *Snobbery on the bike trails*

 Editorial, May 12, 2020 – *Editorial: Let the e-bikes roam*

Guest Column, May 13, 2020 – *E-bikes should be allowed on trails*

Guest Column, May 20, 2020 – *COTA’s role in the e-bike debate*