



22 October 2020

United States Forest Service
Attn: Michiko Martin, Director Recreation Staff
1400 Independence Ave SW
Washington, DC 20250-1124

SUBJECT: Comments on proposed policy changes regarding E-bike designations on lands managed by the United States Forest Service

Dear Ms. Martin:

Please accept these comments from the Colorado Trails Preservation Alliance (TPA) regarding the United States Forest Service's (USFS) consideration of changes in policy regarding E-bikes and the use of those bicycles on lands managed by the USFS. The TPA is an advocacy organization created to be a viable partner to public lands managers, working with the USFS and the Bureau of Land Management (BLM) to preserve the sport of multiple-use recreation and motorized trail riding. The TPA acts as an advocate for the sport and takes action to ensure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse multiple-use trail recreational opportunities.

The TPA appreciates the opportunity to comment on the proposed changes in policy regarding E-bikes and the use of those bicycles on lands managed by the USFS.

Executive Summary

To succinctly summarize our comments the TPA submits that:

1. Consistency of rules across agencies (i.e. USFS, BLM, NPS, etc.) will be important for public understanding, acceptance and compliance.
2. First and foremost E-bikes are "bicycles" and should appropriately coexist on bicycle infrastructure. The general public perceives E-bikes as "bicycles" (a bike is a bike) and will use them accordingly. The TPA understands the current position of the USFS that E-bikes are by definition "motorized vehicles". However, we must disagree and assert that E-bikes should be designated as bicycles.
3. A single definition for E-bikes is necessary and needed.
4. There must not be any loss of motorized trails for exclusive use by E-bikes only.

Consistency with the recent BLM Rule will be important

The recently finalized BLM Rule at 43 CFR 8340.0-5 lists the rationale for a bicycle designation for E-bikes...the TPA supports and agrees with this rationale. The original Executive Orders (E.O.) 11644 and 11989 are not applicable to E-bikes. Those orders never contemplated a pedal assist vehicle whose footprint is identical to a bicycle, nor was the purpose of the rule to limit any vehicle so similar to a bicycle that they are almost indistinguishable.

The original rules were intended to limit OHV cross-country travel that was available almost everywhere at that time in order to minimize impacts to the environment. Such considerations are, as a matter of fact ancient history to our users who have seen opportunities disappear from closing areas to essentially a handful of routes on a handful of acres in comparison to almost every other recreational group. The purpose of the E.O.s has long ago faded and become outdated. And if the E.O.s fell slightly short in closing the door on every open area, the USFS's own Travel Management Rule further closed any open areas and further reduced recreational opportunities.

Today's vehicles that are motorized are either regulated by EPA noise and exhaust emission standards or are built to such standards with formalized cooperation from the manufacturers. Another reason the E.O.s are long overdue for revision. Besides, E-bike sound, or more correctly the lack thereof and lack of exhaust emissions, further collides with the motorized designation. To any individual who has never seen an E-bike, a bicycle or a UTV would have absolutely no difficulty in categorizing the vehicles. Engineering differences that are so lengthy in number they will not be mentioned here are obvious. E-bikes were never contemplated by the E.O.s for all the reasons identified above.

The TPA supports a single definition for E-bikes. Despite the proliferation of the existing three classes of E-bikes which now appears to becoming a de facto standard, the three classes lack meaningful basis in fact or practicality. Since E-bikes are currently heavier and bulkier than non-electric bikes, some riders actually need and require minor assistance from a throttle to just get the bike rolling or begin riding, especially on uneven terrain or inclines. Restricting an E-bike from use on any route or trail only because it merely has a throttle is simply arbitrary and impractical. Similarly a question must be posed as to why the difference between a Class 1 and Class 3 is based solely upon an arbitrary value in the speed differential of 8 mph? Traditional bicycles without any type of assistance other than human power can easily exceed speeds of 28 mph yet there are no restrictions. It would seem that a more practical method to regulate and differentiate assisted bicycles would be to use an appropriate measure of power output, total weight of the bicycle or power to weight ratio than to continue the current methods of throttle or no throttle and an arbitrary speed.

The Dispersed Recreation and Capacity Challenge

Simply, a bicycle may use both motorized and nonmotorized routes and they currently do so by the thousands. As the conventional mountain bike users pursue more and more available trail opportunities, they often ask for the opportunity at the direct expense of motorized routes. Exactly how will that play with the new force of the expected exponential growth of E-bike users combined with existing motorized use? History indicates to the motorized recreationist that if it has a motor, then recreational opportunities are likely to be lost.

The TPA would offer that dispersing E-bike use in a nonmotorized fashion by granting E-bikes access to existing bicycle infrastructure would not only provide far greater opportunities but also disperse impacts.

There is the substantial potential that constraining all E-bike recreation onto motorized routes will lead to increased and unprecedented conflicts. Solving the crisis by closing routes to other motorized use because it is the easiest course of action is hardly fair, equitable and evenhanded. Rather than creating additional user conflicts on an issue that has already been the basis of explosive conflict between many user groups, the TPA would submit that the regulations should focus on common grounds between all user groups, which is the lack of high-quality trails in significant portions of the country. From the motorized perspective there are very few areas of the country that provide high quality trail experiences on a large scale. While the TPA appreciates the use of old roads for motorized opportunities, these simply are not a “trail” (e.g. motorized single-track) and for our users the experiences are significantly different.

The TPA is strongly opposed to the loss of any motorized trails in an attempt to create E-bike only trail networks in a manner similar to the Tahoe NF. The TPA must unmistakably state we are strongly opposed to the loss of ANY motorized trails for designated exclusive E-bike usage.

Off Trail Violations

USFS regulations for the use of E-bikes must be simple and easy to use so the public will understand the regulations. This is a significant concern for the TPA as currently any E-bike being used outside the regulations would be a “motor vehicle off trail” and create the appearance of a significant increase in traditional motorized vehicle improper use, which will immediately renew assertions for needs for further restrictions. This situation is absolutely objectionable to the TPA.

Summary

In summary the Trails Preservation Alliance supports the designation of E-bikes as “bicycles” on lands managed by the USFS and that it is appropriate and proper to allow E-bikes to utilize any and all bicycle infrastructure, trails and routes. A single definition for E-bikes is necessary and needed. Finally, there must not be any loss of motorized trails for exclusive use by E-bikes at the expense of motorized use. The TPA thanks you for reviewing and considering these comments and suggestions. The TPA would welcome a discussion of the E-bike issues at your convenience. Our point of contact for these comments will be Chad Hixon at 719-221-8329 or chad@coloradotpa.org.

Sincerely,

//signed//

Chad Hixon
Executive Director
Trails Preservation Alliance.