



Continental Divide Trail Coalition
710 10th Street, Suite 200
Golden, CO 80401

October 26, 2020

Director, Recreation Staff
1400 Independence Avenue SW
Washington, DC 20250-1124

RE: Proposed Regulation Changes for Managing E-Bikes on National Forest System Lands

In response to the Notice of Availability for Public Comment, regarding proposed revisions to Forest Service regulations for managing e-bikes on National Forest System Lands, the Continental Divide Trail Coalition (CDTC) is providing our comments.

Representing approximately 2,000 members nationwide, the Continental Divide Trail Coalition (CDTC) is the 501(c)(3) national nonprofit organization formed in 2012 to work with the federal land management agencies to complete, promote, and protect the Continental Divide National Scenic Trail (CDNST). In September 2020, CDTC signed a Memorandum of Understanding to establish our role as a national organization working in partnership with the U.S. Forest Service on behalf of the CDNST. To date, CDTC has been successful in coordinating more than 250,000 hours of volunteer stewardship to maintain and improve the CDNST, building positive relationships with federal land managers and local trail-focused groups, organizing special events to help educate the public about the CDNST, implementing Trail Adopter and Gateway Community programs, and encouraging Congress to continue to appropriate funding for the CDNST in the Forest Service budget.

First and foremost, the CDTC has developed a policy statement regarding e-bikes, which states: *“The CDTC does not support any interpretation that e-bikes are the same as bicycles or mountain bikes. E-bikes are – by definition – motorized bikes, just as e-cars are – by definition – motorized vehicles.*

The CDTC recognizes that there are segments of the CDNST which follow existing motorized routes. Where the land-managing agency has made a conscious, site-specific decision through a proper public review process to allow motorized use on a segment of the CDNST, CDTC will support the use of e-Bikes on these motorized routes. The CDTC also supports the position that CDNST segments currently closed to motorized use or not co-aligned with open roads should remain closed to motorized recreation, including e-bikes.”

We do support the improvement and clarification of the Forest Service regulations to address management of e-bikes as a recently evolving recreation technology utilized on many trails. Essential to this clarification is the distinction of the e-bike as its own unique class of vehicle. In this, we commend and support your definition of e-bike as, “a type of motor vehicle with two wheels attached to a frame,

one behind the other, equipped with fully operable pedals and an electric motor...” (7705, p. 20). We recommend additional language that would explicitly classify e-bikes as motor vehicles in regards to the requirements set forth in the National Trails System Act, and wish to reiterate that any further changes to the definition should follow the required rule-making process as to avoid any possibility of equating the function and classification of an e-bike with a traditional bike that is “solely human-powered” (7705, p. 20).

We recognize and support the growing popularity of e-bikes as one the newest means to travel on public lands, which diversifies access and allows new ways to experience the outdoors. We also support the use of e-bikes on most motorized trails. However, we are generally opposed to authorizing the use of e-bikes, without first evaluating the impacts that their usage could have on other trail travelers. In particular to the use of e-bikes on National Scenic Trails, we are not supportive of the proposed regulations at **FSM 7715.5 Criterion**: “E-bikes are not allowed on a National Scenic Trail unless a regulatory authorized by the National Trails System Act is met or there is an exception in the enabling legislation for the trail.” We believe that the criterion should be simplified to say that e-bikes are not allowed on a National Scenic Trail, except where previously authorized motorized use exists. This is warranted, as NSTs are designated as non-motorized pathways.

The National Trail System Act designates National Scenic Trails as non-motorized pathways. Section 6(c) of the National Trail System Act states: The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: Provided, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights.

Even in instances in which a portion of an NST has been previously authorized for motorized use, we support a process on the part of the U. S. Forest Service that ensures a separate, thorough and unique evaluation on the impact of e-bike usage on a site-by-site basis. Site-specific consideration is fundamental to the environmental assessment of these vehicles due to their unique mechanics and use that definitively isolates them from other types of motorized vehicles and may require different regulation. A National Environmental Policy Act (NEPA) analysis should be conducted on each individual site that could be opened to e-bike usage, in order to identify conditions that could negatively impact the experience of other trail users, the trail construction, and the environment around the trail.

As a relatively new class of vehicle and without any comparable form of travel currently used on trails, long-term effects of e-bike usage on trail is largely unknown and could result in the degradation of the trail and increase the need for trail maintenance and regulation. The low auditory volume of the motor and ability to travel at high speeds also represents a point of concern for the safety of hikers and horse-riders, especially those who are primarily NST travelers, who are accustomed and prepared for non-motorized experiences and interactions. These same qualities also translate to concerns for wildlife in these areas as well that are unaccustomed to a high-speed travel corridor with a vehicle that can have a limited auditory warning of its approach, which is a safety concern both for the traveler and the wildlife. For these reasons, we urge the inclusion of an expansive public input process in order to ensure that each site-specific evaluation is as informed and proactive as possible.

We appreciate the opportunity to provide comments on the proposed regulations. If you have any questions, please contact Luke Fisher, Trail Policy Program Manager, by phone at (406) 272-6179 or by email at Lfisher@continentaldividetrail.org.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Martinez".

Teresa Martinez
Executive Director
Continental Divide Trail Coalition
Golden, CO

cc:Brenda Yankoviak, USFS National Trails Lead, Karen Yori, acting CDNST Program Administrator and Tom Phillips, Chairs CDTC Trail and Lands Committee