San Diego Mountain Biking Association

October 26, 2020

Re: Public Comment FSM 7700 and 7710 E-bikes #ORMS-2619

Dear United States Forest Service Staff:

Thank you for the opportunity to comment on the proposed policies and rulemaking for electric bicycles on Forest Service lands.The San Diego Mountain Biking Association welcomes the draft USFS e-Bike policy and believes it is sorely needed.

The San Diego Mountain Biking Association (SDMBA) represents thousands of mountain bikers in San Diego County. SDMBA will remain focused on improving access for mountain biking, and building partnerships with land managers across the greater San Diego region. We support Class 1 eMTB access, in alignment with land management goals, where it does not threaten trail funding eligibility, existing uses, or quality trail experience for others.

Within mountain biking circles we refer to eMTBs (electric mountain bikes) to distinguish them from e-bikes designed for on-road use. We will use the term eMTB in these comments when referring to electric bicycles designed for off-road use.

We appreciate the Forest Service's adoption of the three-class system, consistent with other state, local, and now Department of Interior agencies' policies. We also appreciate the acknowledgement for a need for consistency across multi-jurisdictional trails and agree that coordination with neighboring land managers is necessary.

We completely understand the desire to manage electric bicycles as motorized, and manage their access to trails and fire roads through the Motor Vehicle Use Map, the guiding document of motorized recreation on any National Forest. However, classifying e-MTBs as motorized is inconsistent with California and other state laws and now, the Department of Interior agencies' recently adopted e-bike policies. We strongly prefer a solution that does not require a change in trail use designation from non-motorized to motorized just to allow access for e-MTBs, and provides an approach more consistent with other agencies and state law. This action will have as yet unknown implications for grant eligibility for non-motorized trail projects. Conversely, it is unknown whether OHV funding (which in California comes from a Green Sticker OHV program) will become available for projects on "e-bike only" motorized trails, when e-bikes are not required to pay into the green sticker program.

The newly proposed “e-bike only” designation is a clever way to address eMTB access without having to change the definition of a bicycle. However, the proposed nomenclature “e-bike only” has already caused confusion within our ranks. The public generally does not know that an “e-bike only” designation on an MVUM does not preclude other non-motorized uses. We would propose calling the designation “e-Bike and non-motorized only” to allay any such confusion. We would also propose the inclusion of e-Bike only motorized trails on regular forest service and other recreational maps in addition to the MVUM. If the intent is to exclude non-motorized uses from trails that should be clearly stated. Furthermore, a specific EBUM (Electric Bicycle Use Map) should be considered.

Though normally required to be updated annually to reflect changes in motorized recreation management, in our experience it is typically several years between MVUM updates due to limited staff time, budget constraints and other barriers. Since changes to the MVUM may trigger a NEPA review, we don’t see this policy opening trails to eMTBs in the immediate short term. We therefore ask for an interim policy regarding their use, which could be billed as a pilot project for a particular area, as was done by the Department of Interior pending implementation of their new eMTB rules. eMTBs are already present on most Forest Service trails in ever-increasing numbers.

The typical eMTB rider enters the realm of electric bicycles by way of traditional bicycles. They are unaccustomed to referring to an MVUM for direction finding and route planning. In fact, the most common question raised by our constituents when explaining the proposed USFS management of eMTBs to mountain bikers is “What is an MVUM?” We feel that having “e-Bike only” designations on MVUMs makes perfect sense administratively, but will not be the most effective means of educating and informing the general public on where they can ride eMTBs. There must be additional educational materials, up to and including maps specific to eMTB use.

Whenever an environmental review is required to add or change a trail designation, such as adding “e-Bike Only” designations to otherwise non-motorized trails, we feel such environmental processes should be at a programmatic level, for both efficiency, cost-savings, and to reduce redundancy. Most, if not all environmental concerns will be the same or very similar from trail to trail within the same Forest or recreational setting. The growing number of eMTBs being sold and already in use on Forest Service trails demands expediency.

The exclusion of eMTBs from National Recreation Trails is understandable in the absence of a change in the laws governing NRTs. Two of the most popular trails for bicycles on the Angeles National Forest, for example, are the Gabrielino NRT and the Silver Moccasin NRT. The other is the PCT which is closed to bicycles. We understand that the prohibition of motorized travel, now including eMTBs, from NRTs is written into the National Trails System Act. However, given that the public is already using eMTBs on some of these trails, it will prove difficult to enforce.

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There is another longstanding point of confusion for eMTB riders, which the proposed action fails to address: roads constructed for vehicular traffic, which may or may not appear on MVUMs and are open for non-motorized recreation. These are clearly constructed for motorized/vehicular traffic and are usually open to non-motorized use even when gated closed to vehicular use. We believe that further clarity is needed on this issue, with the preference to allow eMTB riders recreational access to such fire and administrative roads that are gated closed to vehicular traffic, but open to bicycles and other non-motorized use. Whether this use is managed through signage, inclusion as “e-Bike only” on MVUMs, or some other means, we feel the exclusion of eMTBs from unpaved roads designed for vehicular use is unwarranted.

Overall, we are pleased to see the Forest Service updating its policies regarding eMTBs. As with the DOI and other agency and State efforts to manage eMTBs, enforcement, signage and education will be the biggest challenges. While a three-class system is convenient and for the most part, consistent across agencies, enforcement of class restrictions, and verifying compliance with those classes will prove major challenges. These challenges cannot be easily addressed without additional training and education for Forest Service staff.

While the proposed policy makes it clear that changes to trail designations will happen at the local level through MVUM planning, and not through this policy making process, we feel the need to clearly state our position that only class 1 pedal assist bicycles should be allowed on singletrack, otherwise non-motorized trails, and only where there is no impact to existing bicycle access. We also support class 2 and 3 e-bike access to paved paths and roads. We support the use of class 1, 2, and 3 eMTBs on trails falling under existing motorized designations.

Sincerely,

Susie Murphy

Executivedirector@sdmba.com