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October 26, 2020

Director
United States Department of Agriculture Forest Service
Recreation Staff
1400 Independence Avenue, SW
Washington, DC 20250-1124

Re: Revised Directives – Forest Services Manual 7700 Travel Management; Chapter 7700, Zero Code; Chapter 7710 Travel Planning

Thank you for the opportunity to comment on the United States Forest Service’s proposed revised directives to update and clarify guidance on management of electric bicycle use on National Forest System (NFS) lands. I write on behalf of Rails-to-Trails Conservancy (RTC) to note that, while we do not support the proposed revised directives, we would support them with some changes.

Rails-to-Trails Conservancy is the nation’s leading advocate for connected multi-use trail systems, including trails and trail networks that traverse our national forests. Tens of thousands of our members use these trails on a regular basis, and a growing number of our members use electric bicycles, or e-bikes. E-bikes are continuing to grow in popularity, and by 2023, e-bike sales are expected to top 40 million units worldwide.¹ Perhaps most significantly, electric bicycles offer people with disabilities and older adults, as well as people with health limitations and injuries, an opportunity to utilize our trails when previously those options were limited. Users of electric bicycles still derive physical and mental health benefits from riding them, and they can increase access to the outdoors and especially our nation’s forests.

RTC appreciates and supports NFS’ efforts to issue new guidance to adapt to this changing reality and to manage electric bicycles in a clear and consistent way and to allow for the use and enjoyment of electric bicycles on the trails within NFS lands. In this point, there has not been a consistent definition of electric bicycles or consistent regulation of their use across federal agencies. State and local governments are adapting to this changing reality, increasingly recognizing that electric bicycles are different from traditional motorized vehicles and, if they are used safely and reasonably, may be allowed on non-motorized trails where conditions allow electric bicycles to amicably share the trail with existing users.

RTC supports the general framework of the proposed updates, in particular the provisions defining and recognizing the three classes of electric bicycles and allowing land managers the

¹ TJ McCue, “Global electric bike market is still moving fast—Sondors e-bike offers glimpse,” Forbes, April 12, 2018.

ability to open trails to specific classes of electric bicycles. This flexible policy will allow the NFS to adapt to emerging technologies while creating criteria to inform decisions regarding e-bike use.

However, in order to prevent unintended consequences and ensure that the NFS rules are well understood, we support three changes to these proposed directives:

1. Remove electric bicycles, as defined, from the definition of “motor vehicle.”

E-bikes are more closely aligned in their design and operation to traditional bicycles than they are to motor vehicles and should not be defined as motor vehicles. A growing number of state and local governments are recognizing low-speed e-bikes as non-motorized devices and allowing all or some of them in the same places as traditional bicycles.²

The model state e-bike policy uses the e-bike classification system to differentiate for purposes of determining compatibility on multi-use non-motorized trails by creating a default that Class I e-bikes are presumed to be allowed and Class III e-bikes are presumed not to be allowed due to relatively higher speed (28 vs. 20 mph top speed), but that local trail managers could be more or less permissive based on local trail conditions. As of October 2, the Department of the Interior no longer considers electric bicycles a motorized use unless the rider of a Class II e-bike is using the throttle to power the bicycle “for an extended period of time.” RTC supports regulating all three classes of low speed e-bikes as bicycles, while providing overall guidance and local discretion to determine which should be allowed on particular non-motorized trails.

Considering electric bicycles to be “motor vehicles” may have the unintended consequence of increasing pressure to convert more trails to motorized use. The popularity of e-bikes-- and their similarities in size, speed and manner of use to conventional bicycles—along with the development of laws in most states that create the expectation that e-bikes often will be permissible on trails will create growing pressure to allow e-bike use on trails where they can safely co-exist with other uses. If that development is legally defined as an exception to the prohibition of motorized use on non-motorized trails, it could become harder to continue to prohibit disruptive motorized uses, such as larger vehicles and internal combustion engines, for which the prohibition was intended.

2. Require seat or saddle to avoid confusion with scooters and broaden the definition of electric bicycles to three wheeled devices.

In order to differentiate between electric bicycles and other electric powered mobility devices, we support including the requirement for a seat or saddle in the definition of an electric bicycle in the directives. This will make more likely that the directives only apply to electric bicycles as the NFS continues to explore potential modifications to access and updated regulations regarding electric scooters, Segways, hover boards and other devices.

3. Apply the rules for traditional bicycle riders to electric bicycle riders when on the trails.

² <https://peopleforbikes.org/our-work/e-bikes/policies-and-laws/>

Users of electric bicycles should be accorded the same rights and responsibilities as users of traditional bicycles.

We commend the Forest Services for this proactive approach to managing the use of electric bicycles on its trails and roads and appreciate your consideration of our comments. Please be in touch if you have any questions about our position on electric bicycles and their use on trails.

Sincerely,



Patrick L. Wojahn
Director of Government Relations
Rails-to-Trails Conservancy