

Comments on FSM 7700 and 7710 E-bikes #ORMS-2619 Comments on behalf of the Quiet Use Coalition
October 26, 2020

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<https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2619>

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

Dear US Forest Service;

Please accept and fully consider the following comments on behalf of the Quiet Use Coalition on the Forest Service's effort to clarify guidance for electric bicycles ("ebikes") in FSM 7700 and 7710, as noticed in the Federal Register of September 24, 2020, 85 Fed Reg 60129.

We support proposed directives properly categorizing ebikes as motorized vehicles

FSM 7711.3 under subsection "6." includes a new category "to identify classes of motor vehicles on an MVUM" to specify e-bikes on the Motorized Vehicle Use Map (MVUM): g. Trails Open to E-Bikes Only. Specify the class or classes of e-bikes allowed (Class 1, 2, and/or 3).

We fully support categorizing ebikes as motorized vehicles

The Forest Service properly analyzed and determined that ebikes are motorized under its Travel Management Rule (TMR) in a 2015 briefing paper.

Ebikes have a motor that aids in forward movement and propulsion of the vehicle. These vehicles are not entirely human powered as a traditional bicycle is. Ebikes are thus motorized vehicles.

Any ebike allowance on USFS lands must undergo a full NEPA analysis subject to existing guidance and direction for motorized vehicle use.

We support considering each Class of ebike use separately

We support separation of electric motorized bikes into three different classes as proposed, with each Class to be analyzed and managed separately.

Each class of ebikes has different and distinct social, environmental and recreational benefits and concerns associated with it. The classes differ in terms of maximum speed under motorized power, how motorized power is applied, user experiences, etc. These differences need to be considered and permitted separately.

We have concerns with proposed new policy and objectives regarding emerging technology.

We have concerns with proposed new Policy 9 at 7715.03, and proposed new Objective 8 at 7702 regarding emerging technology.

These proposed additions direct the USFS,
"To consider emerging technologies (such as e-bikes) that are changing the way people access and recreate on NFS lands. For example, where suitable for use, e-bikes may provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor."

We do believe that the USFS should consider new technology, and not simply ignore it. We believe the USFS should pay attention to and proactively think carefully about any new emerging technology that begins to appear.

To consider emerging technology being used to access and recreate on USFS land is a very broad statement that should not be tucked away and hidden in FSM 7700 Travel Management. This proposed policy could have implications far beyond ebikes and travel management, especially when applied to recreation. There are many more possible new technologies that might appear in the broader category of recreation than there potentially are in travel and access. We question whether this direction to consider emerging technology for recreation should only appear in Travel Management directives, and not somewhere else in USFS direction

We have concerns with the implication of this statement that emerging technologies are changing the way people access and recreate on NFS lands. Not everyone is changing the way they access and recreate on NFS land due to new emerging technology as this statement as worded implies. We recommend that the statement "are changing the way" be changed to "may change the way" "may alter the way", or "are changing the way some people" in order to account for the differences in public acceptance and use of emerging technology.

Every new emerging technology is accompanied by unknown concerns, conflicts, benefits and risks. Emerging access and travel technologies may pose risks to existing route trends, existing user groups, the environment and/other resources. The acceptance and lack of adequate management of previous new emergent travel and access technologies such as more powerful OHVs, OSVs, ATVs and mountain bikes has (and still is) resulting in resource damage, compromised safety, and conflict on USFS lands.

We strongly recommend that the USFS be proactive in considering and allowing new emerging technologies for access and travel on NFS lands. We recommend the USFS modify the statement regarding emerging technologies to include direction that states that 'the USFS will, when suitable, permit use of routes and areas by new and emerging access and travel technologies only after the impacts of these technologies have been adequately analyzed with public involvement.'

Directives in the FSM should not "establish promotion of ebike use on NFS lands as an objective."

We strongly oppose inclusion of the latter example sentence that singles out ebikes included as part of the proposed new Policy 9 at 7715.03, and proposed new Objective 8 at 7702 regarding emerging technology.

This example and statement, as the Federal Register notice states, unfairly promotes use of e-bikes and other new technologies on NFS trails. This type of promotion is not appropriate as a USFS objective. None of the other objectives mention or single out a specific type of use. The exclusive mention of ebikes as an example improperly favors and elevates this new use over other uses and the purposes of the other objectives.

It is not role of the USFS to provide "new opportunities for individuals who might otherwise be prevented" from using trails, roads or areas. We believe with the inclusion of this language may conflict with and be contrary to direction included in FSM 7715.79 We request that the final sentence beginning with "For example" be removed.

We generally support the proposed definition of a bicycle

We generally support the proposed definition of a bicycle being added at FSM 7705. It is imperative to define traditional bicycles as human powered to distinguish them from bicycles and other vehicles powered by a motor. This definition matches the previous USFS definition of a bicycle at FSM 2353.05. This definition matches the most commonly accepted image of what a traditional bicycle is.

We support the proposed ebike definition at 7705 as having two wheels, one behind the other. The prefix "bi" comes from the Latin word meaning two. A device called a bicycle implies that there are only two wheels present. The vast majority of existing USFS trails (for bicycle, motorcycle and other uses) have design parameters that specify a tread width of less than 36" (FSH 2309.18 Chapter 2). These narrower single-track trails can only safely accommodate a vehicle with two wheels one behind the other. **Use of a vehicle with three or more wheels on those trails will result in damage to the trail tread**, adjacent vegetation and will compromise user safety and desired trail experiences.

We believe there is a need to expand this definition to more clearly define bicycle use as a type of vehicle used for mechanical transport. This clarification would fit well as part of FSM 7700 Travel Management directives, in which definitions of bicycle and electric bicycle are proposed to be newly added. A more complete definition of a bicycle as a type of vehicle used for mechanical transport will better distinguish bicycle use from motor vehicle use and other types of non-mechanized/non-motorized transport. Bicyclists do not want to be lumped together/considered with motorized use, nor do they want to be considered the same as non-mechanized use such as hiking or equine use. A bicycle definition that includes "mechanized transport" will help better define bicycles as their own separate and distinct mode of use.

The USFS should not label ebikes as eMTBs

We recommend that the USFS delete the words "also referred to as an electric mountain bike (eMTB)" in the proposed definition of an electric bicycle at 7705. The line between, and the general definition of, a mountain bike and other types of bicycles and electric bicycles (road bikes, hybrid bikes, cross bikes, etc.) is not clear and constantly changing in the bicycle industry as a whole. There are electric motorized bicycles that are labeled as being primarily road ebikes that are suitable for use on many USFS trails currently open to motorized vehicles. The USFS should not attempt to define or label which general type of electric motorized bicycle is suitable for use on its trails.

The USFS must not be obligated to coordinate route management with adjacent jurisdictions

We have concerns with the proposed addition to 7715.72 (8) which requires USFS coordination of decisions and practices on routes that cross multiple jurisdictions. This is another proposed broad modification to travel management that could have far-reaching implications beyond electric motorized bicycle use.

We strongly recommend that the language of this addition be modified to state "attempt to coordinate" instead of a simple "coordinate". This will allow more flexibility, localized decision-making, and site-specific application of this. This modification changes the intent of this statement to more of an objective rather than a requirement.

The USFS must not be obligated to manage or maintain designated or undesignated routes on USFS land to match management and maintenance of corresponding routes on land under other jurisdictions. Environmental, recreational, and regulatory conditions on routes on USFS lands will not always coincide with the conditions on adjacent lands. The USFS must retain the ability to independently

manage routes on its land. The USFS must retain the ability to use a NEPA process with public participation to make decisions that apply to routes under its jurisdiction.

While continuity of recreational experiences would be an ideal lofty goal, this is not always possible or prudent. As an example, there are designated routes under other jurisdictions that allow all modes of motorized use that transition directly to routes on USFS designated Wilderness Area lands. It would not be possible for the USFS to coordinate management of travel on routes on USFS land that is designated Wilderness to match the allowance of motorized vehicle use on adjacent land routes. The USFS must not be expected to coordinate allowed modes of use decisions and practices such as enforcement and maintenance in Wilderness to match adjacent routes on non-Wilderness land. Similarly, the USFS may not want to manage a designated USFS ML-2 road that allows unlicensed OHV use to match a prohibition of unlicensed OHV use on a corresponding county road.

The USFS should refer to ebikes as electric motorized bicycles.

We recommend that the USFS label ebikes as "electric motorized bicycles" rather than "electric bicycles".

Many traditional human powered bicycles could be referred to as electric, or as using electricity. Electric gear shifting is found on certain bicycles and could be added to many bicycles, making the use of electric components essential to propulsion of those human powered bikes. There are numerous other electric components that come as standard equipment on some human powered bicycles and they can be added as accessories to others, including electric power meters, cyclometers, lights, horns, etc.

The presence of an electric motor that provides and assists with powering the bicycle is the distinctive defining difference between a traditional bicycle and an ebike. Omitting the word "motorized" from a label of "electric bicycle" does not fully describe the essence of what makes these new vehicles unique. Including the word "motorized" will help clarify how electricity is used on these bikes, and help distinguish them from traditional human powered bicycles that use electric components.

We support a general restriction on the use of ebikes on National Scenic Trails

We support the proposed general exclusion of ebike use from National Scenic Trails on USFS land. As a form of motorized use, ebike use will conflict with the intent, nature and purpose of these trails as described in the National Trails System Act. For some National Scenic Trails such as the Continental Divide National Scenic Trail,, it would not be possible to allow new electric motorized bicycle use on the trail segments that did not previously allow motorized use in 1978.

We thank you for allowing us to comment on these proposals.

Sincerely



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