TOIYABE CHAPTER OF THE SIERRA CLUB
PO BOX 8096
RENO, NV 89507

October 26, 2020

Dear USFS Representative:

On behalf of the Toiyabe Chapter of the Sierra Club and the chapter's over 6,000 members who recreate in the national forests of our region (Humboldt-Toiyabe, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Inyo, and the Take Tahoe Basin Management Unit), we are providing the following comments on the proposed e-bike rule changes for chapters 7700 and 7710 of the USFS Travel Management regulations of the US Forest Service (USFS).

Our most important comment is simply that **e-bikes are motorized vehicles**. Thus, they cannot be authorized to use trails that motorized vehicles cannot. This is our position, as affirmed in the policies of the Sierra Club (italics here for emphasis):

Off Road Use of Bicycles, Appendix B - Definitions

"1. Bicycle - A two-wheeled human-powered vehicle. For all vehicles powered by *electric or internal combustion motors*, the Sierra Club policy 'Off-Road Use of Motor Vehicles' applies."

Off-Road Use of Motorized Vehicles

"Trails and areas on public lands should be closed to all vehicles unless it is determined to be appropriate for their use through completion of an analysis, review, and implementation process, and officially posted with signs as being open."

It follows from our position that e-bikes must be placed in the motorized-vehicle category when the USFS manages travel in the national forests. Where motorized vehicles are prohibited, so should e-bikes be. It makes no more sense to treat an e-bike as non-motorized than to treat Teslas as non-motorized vehicles in our street and highway transportation system.

General comments

E-bikes present multiple problems for hikers on non-motorized trails. On trails where there are already conflicts between hikers and bikers, e-bikes will exacerbate the problem. E-bikes weigh more than normal (meaning non-motorized) bikes and will carry more energy in a collision with hikers, increasing injuries to hikers. E-bikes, being motorized, will sometimes allow their users

to go faster than normal bikes and thereby provide less warning time when they approach hikers, or even bikers on normal bikes.

E-bikes may lead to disproportionate trail erosion due to their increased speed and weight, and this should be studied in actual practice. If true, this is an undesirable outcome for USFS units which are already strapped to maintain current roads and trails. Trail erosion causes waterborne-sediment issues and fugitive-dust issues which lead to water and air pollution. In the Lake Tahoe Basin Management Unit, former hiking trails that were opened to normal bikes only a few years ago are showing great impact, with deep powdery breakdown of the trail material to a point where dust conditions make hiking and biking unpleasant. Hikers are more affected by such conditions because they are going at a lesser pace. Some trails in heavy use by bikes have become eroded gullies that will surely increase the sediment loads into Lake Tahoe. We are in fact seeing widespread trail deterioration in many places due to heavy usage by all user groups; increasing this impact by adding e-bikes to the same trails will likely add to the maintenance backlog already existing.

We see the administrative path to e-bikes being of great concern. If USFS were to allow e-bikes, as in these rule changes, then we strongly suggest a gradual, phased application of the new rules. This would entail careful monitoring, over multiple years, of trails where e-bikes were initially permitted and a thorough analysis of the physical impacts on those trails and analysis of the social impacts to non-motorized users, both hikers and bikers. Only after a full analysis of impacts was made on a few pilot trails should a full implementation of any of the proposed rule changes be considered.

It is important to realize that e-bikes are a form of recreation available to only higher-income people. E-bikes on the market today start at over $500 and go to over $10,000. These are not something ordinarily attainable by low-income people. A check on the demographics of e-bike users would undoubtedly reveal a very narrow slice of American ethnic groups and income levels. Allowing e-bike usage on USFS trails amounts to more low-income injustice as USFS alters its rules to accommodate the wishes of a select and privileged set of Americans. The USFS should be considering means to make it attractive for low-income people to access and use the national forests rather than providing more avenues of recreation to those of higher income.

Specific comments

7702 - OBJECTIVES.

We do not agree that people have an inherent right to access the more distant or remote parts of the USFS trail systems. Hikers have long recognized that some are more physically capable than others and can go longer distances or can do more challenging trails. For the people not able to take on those challenges, the enjoyment of trails is hardly less. They do not expect to have some motorized means to get them even farther out. Similarly, with bikes there are users with more and less ability, and those not able to take on all the challenges should not expect a

motor to make them equal to those who can. E-bike riders already have access to the 380,000 miles of USFS roads that exist for motorized vehicles.

7705 - DEFINITIONS

Electric Bicycle (E-bike). Is it sensible to put a limit of "750 watts" on e-bikes? Surely, technology will provide even higher wattage, and there will be little or no means to identify those e-bikes over 750 watts. We see this as impossible to enforce.

The classification into 3 categories of e-bikes according to 3 very elusive and elastic definitions seems ineffectual. How will the 3 classes be identified in the field? How will someone who sees an e-bike know the class and be able to report it if that class is not permitted on the trail? How will even USFS law enforcement even know? We perceive this as an administrative morass. Add to this the reality that e-bikes appear nearly the same as normal bikes, especially at a distance. The BLM, in describing its handling of a similar rule, says "E-bikes may appear virtually indistinguishable from traditional bicycles." Thus the public will often, or seldom, be sure that an e-bike was in use on a trail prohibited to it and likely will fail to report it, especially if the e-bikes are separated into 3 categories.

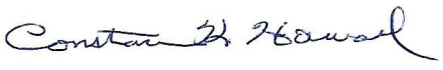
7711.3.6. g

We also see considerable cost in erecting signage to show which of the 3 classes are allowed on a specific trail. And we add that many e-bike owners, or renters, will not know the class of the e-bike they are riding and will therefore unwittingly enter trails which they should not. Again, e-bikes are motorized vehicles — a realization of that fact simplifies the entire enforcement issue.

7715.5.4.b

"…accounting for, as appropriate, differences in speed..," This language seems to imply that effects of bike use will be tempered for e-bikes because of their increased speed. In other words, the USFS is prepared to allow more impact from e-bikes, relative to normal bikes? We strongly request that the final language require that there be no greater impacts due to e-bikes than to normal bikes and that this be backed by careful monitoring and analysis demonstrating it is true.

Respectfully yours,



Constance Howard, Chair of Conservation and Public Lands Team
Toiyabe Chapter, Sierra Club