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Comments: Thank you for the opportunity to comment on the proposed changes to the FSM Travel Management and Planning Manuals.

FSM 7700 - Travel Management

7702 - Objectives

#### Issues

1. Lack of transparency. The proposed paragraph uses e-bikes as an 'example' of an emerging technology, but the wording published in the Federal Register specifically states that this paragraph is intended 'to establish promotion of e-bike use on NFS lands as an objective.'
2. Codified preferentialism toward e-bikes. Currently, there are seven (7) categories or classifications of vehicles used by the USFS for management and planning purposes (FSM 7711.3 Paragraph 6). This objective would make e-bikes the only specific category or class of motor vehicle to be 'consider[ed]' when making travel management decisions. Not OHVs, not snowmobiles, not off-road motorcycles, just e-bikes. This is unprecedented and inappropriate. The number of e-bike users is exceptionally small, especially as compared to the combined number of other classes of motor vehicle users.
3. Lack of measurability. Currently, there are seven (7) objectives guiding travel management decisions and policy-making. Each of the existing objectives is measurable and thus evaluable, due to usage of verbs indicating quantifiable action: 'provide,' 'manage,' 'coordinate,' 'designate.' There is no reliable manner to measure whether something was considered or not, as consideration is typically a non-tangible and cerebral process. As such, there is no means to objectively, consistently, and reliably evaluate whether or not this objective has been achieved.

7703.13 - Considerations in Designating Trails for Motor Vehicle Use or OSV Use

7703.14 - Considerations in Designating Areas for Motor Vehicle Use or OSV Use

Issue: These additions are unnecessary, as they are essentially equivalent to FSM 7703.13, Paragraph 3 and FSM 7703.14, Paragraph 5, respectively. If one is to designate an area or trail for motor vehicle use in accordance and conformation with these chapters as they stand currently, then the 'specific guidance' provided in FSM 7715.5 and FSM 7715.6 must be followed.

#### 7705 - Definitions

Issue: None. The addition of this definition to the manual, which differentiates an electric bicycle from a traditional bicycle, and further clarifies that electric bicycles are, in fact, motor vehicles, because all classes have motors, is appropriate.

Chapter 7710 - Travel Planning

7711.3 - MVUMs and OSVUMs

ISSUE: The ONLY trails that could be assigned to this category, as e-bikes are currently already allowed to use any other trail or road open to any category of motorized vehicle, are trails that are currently designated for non-motorized use. E-bikes already have access to more than 60,000 miles of NFS trails & roads. There is no reason to re-classify any non-motorized trails to accommodate a minute fraction of overall NFS users at the expense of millions of hikers, equestrians, and traditional mountain bikers.

## 7715.03 - Policy

### Issues:

1. Lack of specificity. No guidance or direction is offered in any of the proposed changes related to how one might determine where exactly e-bikes might be 'suitable for use' other than where they are already permitted to go. Therefore, as written, this policy leaves an exceptionally generous allowance for interpretation, which must necessarily be biased toward users of e-bikes pursuant to both this paragraph and proposed addition FSM 7702 Paragraph 8.
2. Lack of transparency. As above under 7702 - Objectives; Issue (1): The proposed paragraph uses e-bikes as an 'example' of an emerging technology, but the wording published in the Federal Register specifically states that this paragraph is intended 'to establish promotion of e-bike use on NFS lands as an objective.'
3. Codified preferentialism toward e-bikes. This objective would make e-bikes the one and only specific category or class of motor vehicle to be 'consider[ed]' when making travel management decisions. Not OHVs, not snowmobiles, not off-road motorcycles, just e-bikes. This is unprecedented, unwarranted, and inappropriate. The number of e-bike users is exceptionally small, especially as compared to the combined number of hikers, equestrians, and traditional mountain bicyclists.

## 7715.5 - Criteria

### Issues:

1. SIGNIFICANT REDUCTION OF NON-MOTORIZED TRAILS. As mentioned above, the ONLY category of trail that can be designated as open to E-bikes only are non-motorized trails.
2. Pre-Supposition. Subsection (c) states as fact that the similarities in effects of traditional and e-bike use with no evidence or supporting material to verify this assertion. In fact, subsection (b) directly conflicts with this assertion, as it directs the Planner to 'consider and document' the extent to which effects from e-bike use are comparable to effects from [existing] bicycle use,' which implies that there is a difference of unknown extent. Further, this pre-supposition offers implicit bias allowing the Planner to forego the typically-required Environmental Impact Survey to instead perform solely a 'programmatic environmental analysis.'
3. E-bikes on National Scenic Trails in the future. Traditional bicycles are already allowed on several segments of several National Scenic Trails. If the 'promotion of e-bike use on NFS lands' is a codified system-wide objective for Travel Management and Planning, and the determination of whether or not to open trails to e-bike use is predicated upon whether those trails are already open to traditional bicycles, it seems likely that if e-bikes are allowed to be exempted from rules governing every other category of motor vehicle, they will ultimately be exempted from this restriction as well.

## 7715.72 - Road and Trail Jurisdiction and Coordination

### Issues:

1. Prejudicial. Interior has already mandated similar changes to e-bike policy, as have 27 states. If a trail passes from USFS to NPS or BLM land, the default decision pursuant to this paragraph will be to re-classify a non-motorized trail that is currently open to bicycles as a motorized trail open to e-bikes.
2. Potential conflict of interests. If a trail passes through multiple jurisdictions with conflicting designations regarding e-bikes, USFS will likely default to re-classifying non-motorized trails as open to e-bikes pursuant to proposed FSM 7702 and in alignment with the statement published in the Federal Register that these are added 'to establish promotion of e-bike use on NFS lands as an objective.'

### CONCERNS:

SAFETY. Despite the Forest Service statement that these policy changes are designed 'to provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electric motor,' implying that e-bike users will generally be, as the Interior Order describes, suffering from 'limitations stemming from age, illness, disability, or fitness,' according to a study by the Portland State University

Transportation Research and Education Center, the typical e-bike owner is in 'very good or excellent health,' (53.1%), and only '28.7% reported having a physical limitation that makes riding a standard bicycle difficult.' 77.2% of respondents agreed that 'an e-bike's speed and acceleration are exciting.' 68.5% agreed that 'on my e-bike, I feel like I go faster than other cyclists.' 81.6% agreed that 'on average, I ride faster than I would on a standard bicycle.' Because e-bikes are surprisingly quiet, this combination of speed (Class III e-bikes can accelerate up to almost 30 mph unassisted) and silence endanger traditional non-motorized trail users, especially hikers, who typically average 2-3 mph, and equestrians, because horses spook extremely easily. Most non-motorized trails are more remote and inaccessible than motorized trails and roads. If non-motorized trails are re-classified as e-bike trails, it is likely that Search & Rescue (SAR) calls will increase, and that more trail users will be injured more frequently.

**COST.** Re-classifying non-motorized trails to allow access for e-bikes will result in numerous costs that will ultimately be footed by Taxpayers, the vast majority of whom do not and will not use e-bikes:

1. Costs associated with re-signing existing trails and re-printing MVUMs;
2. Costs associated with trail maintenance, and specifically accelerated trail erosion;
3. Costs associated with enforcement and regulation of e-bike users on trails;
4. Costs in staff hours associated with re-classifying non-motorized trails as appropriate for e-bike use;
5. Costs associated with the inevitable lawsuits that will arise as a result of inappropriate designations, failures to properly adhere to legal and regulatory procedure in re-classifying trails, conflicts between user groups, and civil liability litigation that will arise as a result of also inevitable collisions between e-bike users and traditional non-motorized trail users.

**EXCLUSION OF RE-CLASSIFIED AREAS FROM FUTURE WILDERNESS CONSIDERATION.** Once an area has been naturalized to motor vehicle use, it is automatically disqualified from consideration for protection as a federally-designated wilderness.

**DECREASE IN OPPORTUNITIES FOR BACKCOUNTRY EXPERIENCES WITHOUT THE INTRUSION OF MECHANIZED OR MOTORIZED VEHICLES.** If new e-bike only trails can only come from trails that are currently non-motorized, the availability of trails promising a lack of interaction with vehicles is necessarily reduced.

**INCREASE IN GENTRIFICATION AND DECREASE IN DIVERSITY ON OUR PUBLIC LANDS.** Mountain biking is already one of the least diverse types of outdoors recreation. According to the Portland State University study referenced above, e-bike users are even less diverse: the typical e-bike owner is a white (85.4%) male (70.5%), over 45 years old (67.2%) with a college degree (64.2%). The average electric mountain bike costs \$4,150, or more than 6% of the 2019 median household income. Although the electric bicycle market is growing, as of this time, it still comprises only 6% of the overall bicycle market. It stands to reason that, as more e-bike users take to the trails, traditional trail users will choose when possible to avoid those trails, or perhaps, NFS lands entirely.

As yet, there are few studies or sources related to electric mountain bikes in outdoor recreation. However, earlier this month, The Arizona Trail Association published its report 'Perceptions of Conflict Surrounding Future E-Bike Use' in which 64.1% of agreed that e-bikes should not be allowed on the Arizona National Scenic Trail, and 69.1% agreed that e-bikes should not be allowed on non-motorized trails.

Jefferson County, Colorado also conducted a study, 'E-bikes and Trails: Measuring Impact and Acceptance of Class 1 E-bikes on Trails,' and as a result, determined to allow Class I e-bikes only on paved trails.

Please regard the overwhelming majority of current NFS users, and do not re-classify any non-motorized trails to pander to a slim majority of (potential) public lands users, especially in such a manner that would negatively impact a huge number of current, analog users, and further dampen efforts to diversify our outdoors.

Best regards,  
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