

Data Submitted (UTC 11): 10/25/2020 2:58:50 PM

First name: Eric

Last name: Veenendaal

Organization:

Title:

Comments: Evergreen MTB Alliance

Home > Blog > Urgent Input Needed For Future eMTB Access on U.S. Forest Service Trails

Urgent Input Needed For Future eMTB Access on U.S. Forest Service Trails

23 | Oct | '20 Yvonne Kraus

[Bookmark this \(Log in first\)](#)

The U.S. Forest Service (USFS) seeks public input on how to manage electric-assist mountain bikes (eMTBs) on trails and comments are due Monday, October 26th!

Now is the time to advocate for smart rulemaking. Regardless of how you personally feel about e-bikes, the current USFS proposals are not good for non-motorized trails.

Read on for Evergreen's take on each issue represented in the USFS proposal:

Motorized Designation

The USFS proposes to manage eMTBs as motorized vehicles, with the option of allowing them on non-motorized trails after an environmental and public review process is complete and this new use is adopted. And while their MVUM (Motorized Vehicle Use Management) does separate e-bikes into a new motorized category aside from vehicles like motorcycles, ATVs, and Jeeps, the motorized designation remains and this is concerning. Under this rule, once eMTBs are allowed on a trail, the official trail designation changes from non-motorized to motorized and this is not something we should support!

We do not support the USFS's proposed motorized classification of e-bikes for the following reasons:

Designating eMTBs as motorized could negatively impact our traditional maintenance and development funding sources for non-motorized trails like RTP, WWRP and NOVA grant funding in Washington State.

A motorized designation is inconsistent with recent rulings of the Department of the Interior that affect trails on National Parks, Bureau of Land Management, and Bureau of Reclamation Lands, creating inconsistency between trails on Federal lands and more user confusion on where e-bikes can legally go.

A motorized designation also does not align with a strong trend of State legislation classifying e-bikes as non-motorized transportation, now adopted in 27 states, including Washington.

Any time access is proposed on a multi-use trail, hikers and equestrians lose a non-motorized trail.

With respect to mountain bike use specifically, no mountain bike brand is currently developing Class 2 or 3 eMTBs. The bike industry is aligned with this approach. Non-traditional e-bikes that have throttles or can move at a speed greater than 20mph should be restricted to existing motorized trails and are not considered "Mountain Bikes" by most mountain bike manufacturers.

Separate Management Objectives

The USFS proposes to separate management objectives for e-bikes and adopt the Class 1, 2, and 3 classification system.

We support managing eMTBs differently from traditional mountain bikes for the following reasons:

Separating objectives would allow for a non-motorized designation for Class 1 e-bikes which we support.

Separating objectives would allow for a motorized designation for Class 2 and 3 e-bikes which we also support.

Class 2 and 3 should be specifically prohibited from non-motorized trails and only pedal assist eMTBs under 750 watts that cannot be self-propelled should be under consideration for non-motorized trail access.

We do not believe that Class 1 eMTBs require a new class under MVUM. We strongly urge the USFS to manage Class 1 e-bikes as a new non-motorized user group, to avoid jeopardizing existing non-motorized trail status designations.

The three class system is being adopted in states throughout the U.S, and 27 states have now adopted them as non-motorized bicycles. Adopting this same classification by the USFS helps to create consistency between federal land management agencies as well as increasingly more states legislative initiatives, ultimately helping to reduce consumer conflict and create a consistent management objective for eMTBs on trail.

A Programmatic Approach

A programmatic approach would enable individual Forests, Districts, and Regions to allow e-bikes on certain trails upon completion of an environmental and public review process.

We encourage USFS to adopt a programmatic approach to managing e-bikes for the following reasons:

This approach would allow for flexibility for local forests and ranger districts to allow Class 1 eMTBs on trails with public support and without negatively affecting trail quality and/or trail user experience.

This approach would allow USFS to adopt the "closed unless signed open" approach we have taken here in Washington and provide access opportunities on a case by case basis to meet local user conditions and needs.

We support a review process as part of NEPA, but highly support a programmatic approach to reduce the burden of adding Class 1 eMTB access to non-motorized trails. By completing a NEPA once, at the District, Forest or Region level, administrative burden is significantly reduced and a shorter more effective process can be adopted when evaluating access for each trail. Requiring full NEPA for each trail is not practical and will result in no action. This means that the rule revision, as proposed, will not be effective in addressing the current use of eMTBs on trails.

A programmatic approach would allow USFS to address the rapidly increasing number of eMTBs on trails.

Individual regions and districts could then focus on practical and manageable rulemaking for eMTBs, as opposed to more bureaucracy. By providing a few high quality areas to ride, eMTB riders will no longer be "incentivized" to break trail rules when there are no legal trails to ride in their areas.

On the subject of National Scenic Trails that currently already allow mountain biking, we would again encourage a programmatic approach to NEPA and then allow exceptions on a trail by trail basis. We recognize that some National Scenic Trails offer an ideal opportunity for family friendly e-bike tourism and would like to ensure sufficient flexibility to keep the door open for future long distance riding and hut-to-hut style tourism.

We need you to speak up NOW to urge the USFS to adopt a policy that is forward-looking, practical, allows for local flexibility, and does not jeopardize our existing non-motorized recreation organization partnerships.

Evergreen advocates for Class 1 eMTB access only upon completion of a public review and in a manner that takes into account historic trail use.

The current ruling is critical: We must all send in comments to make sure the USFS gets this right! Feel free to copy the following sample comment and send it in:

Submit Your Comment To USFS

Recommended Sample Comment:

Thank you for the opportunity to submit comments to your proposed new rules 7700 & 7710. As a mountain biker, it's important to me that we are careful in how we manage electric-assist mountain bikes on trails to protect the user experience of those recreating on non-motorized USFS trails.

I'm extremely concerned about the current approach to classify e-bikes as motorized vehicles.

This solution will jeopardize funding sources to maintain traditionally non-motorized trails and, by not aligning with recent decisions made within the DOI agencies, will cause more confusion amongst e-mountain bikers on where they can and cannot ride. More importantly, this solution will pit mountain bikers against hikers and equestrians once a proposal is made to allow e-bikes on a previously non-motorized trail by changing it to a motorized designation. The current proposals are also cumbersome and require more resources within an already constrained Federal Agency.

I recommend the following simpler solutions:

Adopt Class 1 e-bikes as non-motorized transportation.

Adopt Class 2 and 3 e-bikes as motorized transportation.

Allow Class 1 on non-motorized trails upon completion of an environmental review and public comment process, driven by local forests and/or districts.

Prohibit Class 2 and 3 on non-motorized trails.

Encourage programmatic NEPA review of eMTB impact on non-motorized trails, at the District, Forest or Regional level, to ease the review burden on a trail by trail basis.

Approach eMTB access by using a "Closed Unless Signed Open" basis.

By allowing Class 1 on non-motorized trails on a case by case basis and upon completion of a review process, the USFS offers flexibility at the local level and preserves maintenance funding sources that can be pursued by hikers, equestrians, and mountain bikers to help maintain thousands of miles of trail throughout the United States. Class 1 e-bike technology is quickly becoming ubiquitous, so the above approach also makes enforcement easier and reduces consumer confusion.

It is my understanding that the above approach is also in line with the wishes of People for Bikes, the International Mountain Bicycling Association, multiple mountain bike manufacturers, as well as my own local mountain bike organization, in Utah