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Comments:

On September 24, 2020, the Forest Service published a notice of availability for public comment on multiple proposed changes to the Forest Service Manual on Travel Management and Planning, primarily intended to 'establish promotion of e-bike use on NFS lands as an objective,' and 'add a category for designating e-bike use on NFS trails.'

The mere presence of a motor on the machine takes the definition of the e-bike from "bike" to "vehicle". E-Bikes are not "bikes" but rather electric motorcycles. The e-bike term is a marketing tool for the manufacturers. There is no reason that a management agency cannot make the call to refer to a vehicle what it is, rather than the marketing terminology. An e-bike is a low-power electric motorcycle - similar to the small gas powered Honda 90's popular in the 1960s. Use existing policies for 4WD, ATVs and off highway (OH) motorcycles to manage the "new technology". This comment will be noted where appropriate throughout this letter:

The following are other issues related to the proposed changes:

FSM 7700 - Travel Management

7702 - Objectives

Adds Paragraph 8: 'To consider emerging technologies (such as e-bikes electric motorcycles) that are changing the way people access and recreate on NFS lands. For example, where suitable for use, e-bikes electric motorcycles may provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor.'

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.'

As you can see from the YouTube video at <https://youtu.be/2b9OHY3cbrA>, e-bikes are not just being produced and promoted to "provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor" From the video, it is apparent that more trail destruction, equating to additional trail maintenance, which is already severely underfunded, as well as creating significant safety issues for hikers and equestrians.

The need for speed out-weights the need for reason when no authority figure is available to enforce safety regulations. The safety positions that are the boots on the ground intended to enforce safety are also severely lacking and the supposition that e-bike users will police themselves is unrealistic. The temptation is too great and society too selfish.

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 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 other types of motorized vehicle users. Refer to e-bikes as what they are: electric motorcycles.

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 cerebral process. As such, there is no means to objectively, consistently, and reliably evaluate whether or not this objective has been achieved.

4.The e-bike proposal is not and one and only option as stated "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.' Mules and horses have been used since the settling of the West, are compatible with other Forest Service objectives. If one can ride an e-bike, one can certainly ride a mule or horse.

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

Adds as preface to numbered paragraphs: 'See FSM 7715.5 and FSM 7715.6 for specific guidance to follow in designating trails for motor vehicle 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 already be followed.

7705 - Definitions

Adds 'Electric Bicycle (E-Bike)' and the three (3) classes of e-bike:

Electric Bicycle (E-Bike). Also referred to as an electric mountain bike (eMTB), a type of motor vehicle with two wheels attached to a frame, one behind the other, equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- a. Class 1 E-Bike. An e-bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour.
- b. Class 2 E-Bike. An e-bike equipped with a motor that may be used exclusively to propel the e-bike and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour.
- c. Class 3 E-Bike. An e-bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches the speed of 28 miles per hour.

Issue:

Because E-bikes are motorized, with a top speed of almost 30 miles per hour, E-bike of all Classes (as defined, and in reality an electric motorcycle) should be limited to designated roads and excluded from all unpaved trails with the same constraints and restrictions as 4WD vehicles, ATV's, OH motorcycles and similar.

1.Lack of specificity. No guidance or direction is offered in any of the proposed changes as 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 FSM 7702 Paragraph 8.

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.'

Please substitute "electric motorcycle" for "e-bike" for clarity if that is the objective. Otherwise, delete this statement.

2.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 planning decisions. This is unprecedented 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, from whom non-motorized trails will be taken.

#### 7715.03 - Policy

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

#### Issue:

Just because the industry has coined the name "E-bikes", does not mean the name is appropriate for agencies to use and to fit them into a policy framework. E-Bikes are not "bikes" but rather electric motorcycles. Because E-bikes are motorized, with a top speed of almost 30 miles per hour, E-bike of all Classes (as defined) should be limited to designated roads and excluded from all unpaved trails with the same constraints and restrictions as 4WD vehicles, ATV's, OH motorcycles and similar.

#### 7715.5 - Criteria

Adds Paragraph 4. "

Specific Criteria and Guidance for Designating E-Bike Use on Trails' when designating trails for e-bike use (FSM 7705), consider and document the following:

- a)'Whether and the extent to which the trails are managed for bicycle use or bicycle use is allowed (FSM 7705) under the applicable TMOs.
- b)'For trails that are managed for bicycle use or where bicycle use is allowed, the extent to which effects from e-bike use are comparable to effects from existing bicycle use, accounting for, as appropriate, differences in speed; potential effects from increased or concentrated use; and any site-specific considerations.
- c)'Whether a programmatic environmental analysis may be feasible and more efficient due to similarities in effects of bicycle use and e-bike use.

'Consider designating a class or classes of e-bike use, as appropriate, on NFS trails managed for bicycle use or where bicycle use is allowed, where effects from e-bike use would be comparable to effects from bicycle use.

'E-bikes are not allowed on a National Scenic Trail unless a regulatory exception authorized by the National Trails System Act is met or there is an exception in the enabling legislation for the trail.'

#### Issue:

Again, change the definition of "e-bike" to the more appropriate "electric motorcycle" and make a reference to use section 7710.3 - Policy for evaluation. The policy states:

- 1. Determine the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of NFS lands, using science-based travel analysis (36 CFR 212.5(b); FSH 7709.55, ch. 20).
  - a. Determine the need for access to NFS lands.
  - b. Identify the infrastructure required to provide that access.
  - c. Consider and minimize effects of transportation facility construction, reconstruction, maintenance, and

decommissioning on heritage resources, ecological processes, and ecosystem health, diversity, and productivity.  
d. Provide a Forest transportation system that facilitates land management activities consistent with the applicable land management plan and that promotes the objectives in the Forest Service's strategic plans

2.SIGNIFICANT REDUCTION OF NON-MOTORIZED TRAILS. As mentioned above, the ONLY category of trail that can be designated as open to E-bikes should be motorized (4wd, OHV, etc.) trails roads and paved trails.

3.Pre-Supposition. Subsection (c) states as fact that the effects of traditional and e-bike use are similar with no substantiating evidence or supporting material. 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 encouragement to the Planner to forego the typically-required Environmental Impact Survey and instead perform solely a 'programmatic environmental analysis.'

Again, context is everything; e-bikes under a management scenario resemble an electric motorcycle more closely than traditional road or mountain bikes. Please see the YouTube video at <https://youtu.be/2b9OHY3cbrA> promoting e-bike riding behavior and depicting potential environmental impacts to trails as well as the speed and lack of traditional bike noise (e-bikes are for most part silent) resulting in safety concerns to other trail users (hikers and equestrians). The proposals in this Notice are adequately quantifiable to warrant additional and specific environmental review.

4.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 to be exempted from rules governing every other category of motor vehicle, they will ultimately be exempted from this restriction as well. Classify e-bikes as an electric motorcycle and continue with analysis under that definition and set of criteria.

#### 7715.72 - Road and Trail Jurisdiction and Coordination

Adds Paragraph 8: 'On routes crossing multiple jurisdictions, coordinate travel management decisions and operational practices with appropriate Federal, State, county, and other local governmental entities and Tribal governments to provide continuity of recreation experiences.'

#### 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. This action would cause significant impacts and requires adequate review under the National Environmental Policy Act (NEPA). Also changing the designation of e-bikes from "bicycle" to "electric motorcycle" would go a long way toward consistent management under differing jurisdictions.

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.' Changing the definition of "e-bike" to "motorcycle" would make management decisions much more consistent across jurisdictions.

#### ADDITIONAL 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 2019 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.' Basically because it is a motorcycle.

Because these electric motorcycles (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 tend to spook extremely easily. Many 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 severely and more frequently. This YouTube video, from an e-bike manufacturer referenced above, indicates the target market and intent for its electric mountain bike, describing it as 'the weapon of choice.' It is an electric motorcycle, not a bike. If you peddle or not, it can do what is shown in the video.

#### 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 use e-bikes:

- \*Costs associated with re-signing existing trails and re-printing Motor Vehicle Use Maps (MVUMs);
- \*Costs associated with trail maintenance, and specifically accelerated trail erosion;
- \*Costs associated with enforcement and regulation of e-bike users on trails;
- \*Costs in staff hours associated with re-classifying non-motorized trails as appropriate for e-bike use;
- \*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 collisions between e-bike users and traditional non-motorized trail users.

Maintain electric motorcycles (e-bikes) on current motorized roads. If new e-bike 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.

#### EXCLUSION OF RE-CLASSIFIED AREAS FROM FUTURE WILDERNESS CONSIDERATION

Once an area has been naturalized to motor vehicle use, including electric motorcycles (e-bikes), it is automatically disqualified from consideration for future protection as a federally-designated wilderness. This can be considered a significant impact to biological resources, Threatened and Endangered species, recreations resources, water quality and other issue areas.

#### DECREASE IN OPPORTUNITIES FOR BACKCOUNTRY EXPERIENCES WITHOUT THE INTRUSION OF MECHANIZED OR MOTORIZED VEHICLES

Maintain electric motorcycles (e-bikes) on current motorized roads. If new e-bike trails can only come from trails that are currently non-motorized, the availability of trails promising a lack of interaction with vehicles is reduced. This can be considered a significant impact to biological resources, Threatened and Endangered species, recreations resources, water quality and other issue areas.

#### 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. It stands to reason that as e-bike usership increases, traditional trail users may choose to no longer use those now-shared trails in order to avoid conflicts with e-bike users. This in itself represents a significant impact to recreation and recreational users.

#### TRADITIONAL MOUNTAIN BIKERS MAY SEE REDUCED FUTURE TRAIL ACCESS

Executive Director of the International Mountain Biking Association (IMBA) David Wiens has stated that it is imperative that traditional and electric mountain bikes not be seen as functional equals by regulators. However, by predicating whether or not a non-motorized trail should be opened to e-bikes by whether or not it is currently open to traditional mountain bikes pursuant to proposed FSM 7715.5, that is EXACTLY what is happening. As a result, future decisions regarding whether or not a trail should be open to mountain bikes will necessarily have to take into account that e-bikes will likely have to be allowed access as well, unless the policy terminology is changed to classify E-bikes as electric motorcycles.

#### PUBLIC OPINION

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 only Class I e-bikes, and those only on paved trails.

It cannot be said enough, the terminology and classification by the industry is no reason for resource management agencies to call an "e-bike" an "electric motorcycle". Call the "new technology" what it is-an electric motorcycle-and formulate policy with all the laws and etiquette applying to OH motorcycles. There is no need to formulate new regulations for a transportation category (OH motorcycles) that are currently in existence. This alone would reduce staff time and overall costs to introduce and manage this new electric motorcycle by the Forest Service and other land management agencies.

Thank you for your attention to these comments and hope you will consider making changes in your analysis and policy formulation for electric motorcycles.

Best Regards,  
Kathleen Rosenthal