



U.S. Forest Service National Forest System Briefing Paper

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Topic: Managing E- Bikes on National Forest System Trails

Background

Electric bicycles, known as “e-bikes,” have been around for years overseas and were first used by commuters on roadways in Europe. There are two basic types of e-bikes, pedal assist and throttle twist. On pedal assist e-bikes, the motor does not have to be on the entire time the bicycle is being ridden and can be activated by pedaling to augment human power. Throttle twist e-bikes are activated by twisting the handle grip to propel the bike with or without pedaling. In addition to the motor, e-bikes have a battery and a controller to operate specific options such as “pedal with power assistance” (PAS) or the use of a throttle to “twist and go” (TAG) automatically.

Bicycle companies such as Trek, Giant, Cannondale, and Scott are producing e-bikes. Customers of e-bikes are looking for trails to ride. Pedal assist e-bikes are thought to be acceptable on more trails than throttle twist e-bikes or other types of motor vehicles. However, many characteristics of e-bikes, such as their top speed, type, and wattage, are proving to be challenging for federal land managers. A question has arisen about whether e-bikes should be regulated as motor vehicles on federal lands. The Bureau of Land Management (BLM) is categorizing e-bikes as motor vehicles, and controversy has arisen in BLM’s Moab District, where e-bikes are prohibited on non-motorized trails. This management decision has sparked a discussion in the media on management of e-bikes on federal lands.

The Forest Service’s Travel Management Rule (TMR) and E-Bikes

The TMR defines “motor vehicle” as “any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.” 36 CFR 212.1. E-bikes have a motor and are therefore self-propelled and are not covered by the exceptions in the definition. Therefore, e-bikes are motor vehicles and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use. 36 CFR 212.51(a). Direction on e-bikes has been included in a response in the *Federal Register* notice for the final over-snow vehicle rule. The response states: “New technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under §212.1 of the TMR.” 80 Fed. Reg. 4503 (Jan. 28, 2015). New trail riding opportunities for e-bikes may be considered as administrative units and ranger districts update their motor vehicle use map (MVUM) under travel management planning. These changes would involve appropriate environmental analysis and public participation.

Enforcement of E-Bike Designations under the Travel Management Rule (TMR)

The Law Enforcement and Investigations staff (LEI) has expressed concerns regarding enforcement of designations for e-bike use under the TMR with regard to distinguishing e-bikes from non-e-bikes and identifying different types of e-bikes.

International Mountain Bicycling Association (IMBA) Position on E-Bikes

The International Mountain Bicycling Association (IMBA) position on e-bikes is stated on their website:

“Electric bicycles are a welcome addition to the cycling community. They allow for carrying heavy loads and offer assistance to those who could not otherwise experience much of the fun of cycling and add a de minimums amount of additional impact. However, the use of a motor whether internal combustion or electric would require changing the classification to a motorized use. IMBA would support the use of e-Bikes anywhere that we could also support other motorized uses.”

Disability and Motorized Devices

Questions have been raised in relation to people with disabilities requesting use of e-bikes as an assistive device. The only exception for a person with a disability for use of a device that is self-propelled is if that device meets both parts of the legal definition of a wheelchair or mobility device as defined above in 36 CFR 212.1 and also defined the same way in FSM 2353.05 and in 42 U.S.C. 12107. Under that definition any device that is both designed solely for mobility for a person with disability and which is suitable for use on an indoor pedestrian may be used anywhere foot travel is allowed. E-bikes were not solely designed for individuals who have mobility impairments and their suitability for indoor use would be highly questionable. Therefore they don't qualify for an exception and may only be used where the MVUM allows that use by all people. An e-bike remains a motor vehicle regardless of who is using it. **It is essential that exceptions not be made to the TMR designations.** Restrictions on motor vehicle use that are applied consistently to everyone have been repeatedly found not to be discriminatory.

Other Power Driven Mobility Devices

In 2010 the Department of Justice released their Rule on Other Power Driven Mobility Devices (OPDMD). An OPDMD is defined as any vehicle or device that is powered by batteries, fuel or other engines including those not primarily designed for people with disabilities. Under the Rule a person who has a disability is to be allowed to operate an OPDMD anywhere, unless that area has been previously determined to not be appropriate for use of that type for device/vehicle and the information as to what if any devices/vehicles may be operated in that location has been posted. The criteria within the Rule for such a determination includes the same parameters as were used for the FS designations under the TMR. Therefore the use of any OPDMD is limited to where the use of that specific type of device/vehicle is designated for use by all. It is essential that exceptions not be made to the TMR designations. Approved FS Talking Points are available to assist in the explanation to visitors with disabilities who allude to the OPDMD Rule, when

requesting an exception for use of any type of device/ vehicle in a location not designated for that use.

Future Management of E-Bikes on NFS Trails

E-bikes should continue to be managed as motor vehicles under the TMR and reflected on the units MVUM. Opportunities exist under the regulations of the current TMR using designations on the Forest MVUM, these consist of:

Roads open to all vehicles
Trails open to all vehicles
Trails open to vehicles 50" or less
Motorcycles only
Special Designation*

*Decisions to add e-bike special designations on NFS trails may be considered at the local level when MVUMs are updated in accordance with the TMR.