



Partnership for the National Trails System

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June 5, 2020

Mr. Jay Calhoun, Regulations Program Manager
National Park Service
1849 C Street NW
MS-2472
Washington, DC 20240

RE: RIN 1024- AE61

Comments submitted to <http://www.regulations.gov>

Dear National Park Service:

On behalf of the Partnership for the National Trails System and its member organizations, please accept these comments on the National Park Service's Proposed Rule titled "General Provisions – Electronic Bicycling". We appreciate the opportunity to comment.

We write to oppose any attempt by the National Park Service (NPS) or any other federal public land management agency to legalize electronic motor bikes (e-bikes) on non-motorized trails and specifically the national scenic trails that are part of the National Trails System. We oppose any effort that would allow any class of vehicle with a motor – including all classes of e-bikes, which by definition have a motor – to be allowed on non-motorized trails. We request that the final rule published by the NPS clarify that all national scenic trails that are part of the National Trail System are exempt from the rule implementing increased e-bike use.

The NPS's Proposed Rule is in direct conflict with the National Trail System Act (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009), which designates National Scenic Trails as non-motorized pathways. Section 7(c) of the National Trail System Act states: "*The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles....*"

The Proposed Rule states that it "would explicitly exclude ebikes from the definition of "motor vehicle" found at 36 CFR 1.4." We strongly oppose excluding e-bikes from the definition of motorized vehicles. E-bikes, by definition, have motors. The proposed rule re-classifying e-bikes as non-motorized flies in the face of reality and common sense and will undermine the integrity of America's National Trail System and the years of hard work and cooperation between public agencies and its private trail partners to plan, fund and construct this world-class network of long-distance scenic trails. Allowing e-bikes on non-motorized trails would be un-manageable and send the NPS and other public land management agencies down a slippery slope towards allowing further motorization of trails and potentially the entire backcountry.

Additionally, the NPS and other federal land managers simply do not have the resources to police e-bikes on long distance trails. When viewed on the trail, there are few visual differences among the three classifications of e-bikes addressed in the Proposed Rule. Thus, restricting the use of one class versus another on a given trail or trails would be pointless and prove frustrating for NPS law enforcement personnel.

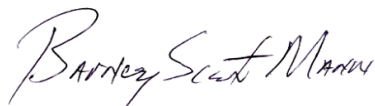
When addressing the Proposed Rule's compliance with the National Environmental Policy Act, the document states, "This rule does not constitute a major Federal action significantly affecting the quality of the human environment." The Partnership strongly disagrees with this statement. Allowing a motorized vehicle on national scenic trails that are not designed or designated for motorized use will have a significant impact on non-motorized users such as hikers, backpackers, equestrians, climbers, mountain bikers and many more. The use of e-bikes, and their potential for travel at relatively high speeds, combined with their often-silent approach, elevate the potential for dangerous encounters. Higher speeds on trails by one user group puts both user groups at risk. For many reasons, the proposed Rule fails to recognize the significant discrepancy in the range of potential speeds by trail users and the resultant safety hazards that are certain to accrue should e-bike use be authorized on non-motorized trails.

Non-motorized trails were created to ensure that the public could find recreational trail opportunities free from the ever-growing motorization and mechanization. Millions of public land users value nonmotorized trails for access to the outdoors. Opening non-motorized trails to motors would forever change the backcountry experience for these users. We support and are actively engaged in efforts to expand access to recreation, and we recognize that e-bikes have a place on public lands and generally should be allowed where motorized vehicles are permitted. We believe that the existing motorized trail system provides plentiful opportunities for e-bike use with tens of thousands of miles of trails currently open to their use. Opening up our national scenic trails to motorized use would incur permanent damage and should not be allowed.

We therefore request that the NPS make it clear in the Final Rule that e-bikes are not allowed on national scenic trails, per the provisions of the National Trails System Act, and to direct its superintendents to allow e-bikes only on trails already open to motorized use. Should the agency not take this step in its Final Rule, we request that the NPS conduct a full Environmental Impact Statement to accompany the Proposed Rule. At a minimum, the NPS must prepare an Environmental Assessment (EA) to determine whether there might be significant impacts associated with the Rule that would warrant an Environmental Impact Statement. This is underscored by the fact that there is no published peer-reviewed research that details the relative impact of e-bike use on non-motorized trails.

Thank you again for the opportunity to submit our comments on this Proposed Rule.

Sincerely,



Barney Mann
President, Board of Directors



Kathy DeCoster
Advocacy and Policy Director