



*Empowering all to enjoy, share, and preserve the hiking experience*

June 11, 2020

Bureau of Reclamation  
Asset Management Division  
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*Submitted Electronically at regulations.gov*

RE: American Hiking Society Comments on Proposed Rule *Off Road Vehicle Use*

On behalf of American Hiking Society (AHS), our members, supporters, and the millions-strong hiking community nationwide, we respectfully submit these comments on the Bureau of Reclamation (BOR) proposed rule, *Off Road Vehicle Use*. This proposed rule would amend 43 CFR Part 420 *Off-Road Vehicle Use*, concerning the definition and use of electric motorized bicycles. As discussed below, AHS supports providing clarity by further defining the classifications of “electric bicycle” through this rule. We do not support excluding electric motorized vehicles from the definition of “off-road vehicle” thereby paving the way to permit their use on non-motorized trails, given the lack of data on the impact on trails and all user groups<sup>1</sup>

Our nation's public lands and trails provide access to millions of recreation users every year including hiking, mountain biking, equestrian use, and electric motorized bicycle use. As BOR considers changes to the definitions of “electric bicycles,” and electric motorized bicycle use on non-motorized trails we encourage the agency to consider the impacts on all user groups, the trails themselves, and the surrounding environment.

### **Social and Physical Impacts of Electric Motorized Bicycles Use on Non-Motorized Trails**

AHS strongly supports the use of public lands for all types of recreation activities and for all types of users and welcomes the increased recreational opportunities that electronic motorized bicycles can provide. It's unclear where use of electronic motorized bicycles is currently permitted on BOR roads and trails.<sup>2</sup> However, to allow motorized recreation on non-motorized trails will degrade the natural, cultural, recreational and social values for which that land is managed. We urge BOR to reserve non-motorized trails for non-motorized use.

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<sup>1</sup> AHS bases these comments on the organizations Electric Bicycle Position Statement, available at, <https://americanhiking.org/policy-positions/electric-bicycle-position-statement/>.

<sup>2</sup> Bureau of Reclamation, Recreation, <https://www.usbr.gov/recreation/overview.html> (last visited June 11, 2020).

The hiking community seeks out BOR' non-motorized trails for recreation, solitude, and the physical and mental benefits that these trails provide. The addition of motorized users, through electric motorized bicycles, raises concerns over trail conflict and safety, increases trail maintenance needs, and could displace hikers and other non-motorized trail users.

### Safety of All Trail Users

The use of electric motorized bicycles can jeopardize the safety of non-motorized trail users in several ways. First, adding electric motorized bicycle riders to the mix will create more congestion. Increased congestion combined with already frequent conflicts on trails between fast-moving mountain bikes and slower-moving hikers and horseback riders can result in increased safety concerns on the trail.

Second, research by Brigham Young University<sup>3</sup> indicates that electric motorized bicycles travel faster on average than mountain bikes, including the potential to travel quickly uphill, while other users are travelling quickly downhill, further increasing the risk for accidents. Higher speeds by one user group increases the risk for all user groups. Allowing potentially fast-moving electric motorized bicycles on trails will exacerbate these conflicts and further marginalize the hikers, equestrians, and other users whose safety and enjoyment are at risk.

### Trail Impact

As the proposed rule indicates, electric motorized bicycles may add more trail users onto non-motorized trails. These users will have the capability to travel a longer distance more frequently resulting in heavier use in previously less utilized and remote sections of trails. With existing cyclical and deferred maintenance needs it's unclear how BOR will address the increased trail maintenance and management needs resulting from the impact of this type of usage.

### Electric Motorized Bicycles on Non-Motorized Trails Impact on Hiking Experience

The hiking community often seeks out trails as a respite to their day-to-day lives. This includes seeking solitude away from motorized vehicles and technology to enjoy a quiet, slow-moving, natural environment. The addition of electric motorized vehicles to non-motorized trails can lead to a reduction in the numbers of trails where hikers feel safe and welcome. The phenomenon of technological displacement can occur where recreation users with more advanced forms of transportation displace other users. Hikers, equestrian riders, and others could find it uncomfortable to share trails with fast electronic motorized bicycles coming from both directions, uphill and downhill, resulting in non-bicycle users essentially being forced off of these trails.

### Definition of Electric Motorized Bicycle

We understand the addition of a new definition of "electric bicycle" to 43 CFR Part 420 (h) that defines the current classifications of electronic motorized bicycles, but for the reasons stated above, we *oppose*

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<sup>3</sup> Hall, et. al, 2019, Pedal-Assist Mountain Bikes: A Pilot Study Comparison of the Exercise Response, Perceptions, and Beliefs of Experienced Mountain Bikers (*JMIR Form Res* 2019;3(3):e13643). doi:[10.2196/13643](https://doi.org/10.2196/13643)

explicitly excluding electric motorized vehicles from the definition of “off-road vehicle” found at 43 CFR Part 420.5 (a)(7), which belies the inherent motorized nature of these “electric bicycles”. We also caution that challenges will remain with continuing to define electric motorized bicycles and their current classes since rapid technological developments may result in quickly outdated definitions.

## **Conclusion**

AHS thanks BOR for the opportunity to submit public comments and urges the agency to reconsider the provisions of the proposed rule that would, in effect, permit electronic motorized bicycle use on non-motorized trails. Given the concerns outlined above and the impact on all trail user groups, adopting the proposed rule would not benefit the trails community as a whole and would, in fact, have negative effects on all users of BOR-managed trails.