

**Federal Register: Bureau of Land Management (BLM)
43 CFR Part 8340**

[BLM-2020-0001] RIN 1004-AE72

Increasing Recreational Opportunities through the Use of Electric Bikes

AGENCY: Bureau of Land Management

ACTION: Notice of proposed rulemaking

Comments Submitted by the Public Lands Foundation (PLF)

The Public Lands Foundation (PLF) is a national nonprofit membership organization that advocates and works for the retention of America's Public Lands in public hands, professionally and sustainably managed for responsible use and enjoyment by American citizens. The PLF endorses and embraces the multiple use mission of the US Department of the Interior (DOI) Bureau of Land Management (BLM). Members are predominately retired BLM employees from across the United States.

The PLF appreciates the opportunity to provide comments regarding the proposed amendment to the Off-Road Vehicle Regulations to increase recreational opportunities through the use of electric bikes. The following comments are submitted to the Bureau of Land Management for consideration in the final rule regarding Docket Number BLM-2020-0001.

Observations

1. The authors did a good job of drafting the proposed amendment to the Off-Road Vehicle Regulations to enable implementation of Secretarial Order 3376 by providing for certain classes of e-bikes to be considered as non-motorized bicycles for land use planning and travel management planning purposes.
2. In and of itself, the proposed amendment would not change existing allowances for e-bike usage on BLM-administered public lands. It would allow e-bikes that require pedaling, i.e. Class 1 and Class 3 e-bikes, to be authorized through land use planning and travel management planning procedures on certain trails where non-motorized bicycles are authorized.
3. Significantly, e-bikes which do not require pedaling, i.e. Class 2 e-bikes, would continue to be considered as motorized vehicles and would continue to be regulated as off-road vehicles.
4. The proposed rule amendments will provide a better opportunity for BLM planners to involve the public in participation on a case-by-case basis regarding appropriate use on specific trails by having clear definitions of all classes of e-bikes.

Specific Comments on the Proposed Rule

1. Subpart 8340.0-5, Definitions (j) Electric bicycle (2)
Change: 'providing assistance' to: 'such propulsion'.
Rationale: The Class 2 e-bike motor does not 'assist' the rider's efforts; it actually propels the bicycle.
2. Subpart 8340.0-5, Definitions (j) Electric Bicycles
Add: (4) No Class 1 e-bike allowed to be operated on a non-motorized road or trail on BLM public lands shall be modified to exceed the 20 mph limit and no Class 3 e-bike allowed to be operated on a non-motorized road or trail on BLM public lands shall be modified to exceed the 28 mph limit.
Rationale: This needs to be included in the regulations to allow for enforcement by BLM.
3. Subpart 8342.2, Designation procedures (d) E-bikes (1)
Change: 'should generally allow' to 'may allow'.
Rationale: To provide clear discretion on the part of the authorized officer.

Additional Recommendations

1. Restrict the use of the motorized exemption for non-motorized trails to Class 1 e-bikes only, to better ensure pedal-assisted use and appropriate speeds are maintained where e-bikes are allowed on non-motorized trails. Class 2 and class 3 e-bikes are not appropriate for non-motorized trails.
2. Use of Class 1 e-bikes may be inappropriate on some natural surface, singletrack trails based on criteria such as trail sustainability, user safety, user interactions, resource considerations, and mixed land jurisdiction.
3. Limit non-motorized singletrack trails to two-wheeled bicycles to prevent resource degradation through trail widening. The Rule as written could lead to three-wheeled e-bike use on narrow singletrack trails under the e-bike definition.
4. Require users of e-bikes who tamper with or modify an e-bike, changing the speed capability, to replace the manufacturer's classification label.