

E-Bike Policy & Access Update and Discussion

Coffee with Yvonne: June 28, 2021. 9:00am

Intros & Agenda

9:00 - 9:10am	Intro & Audience Poll
9:10 - 9:30am	E-Bike Policy and Actions Items Update: Where Are We Now? Review timeline, actions and policy landscape to date Discuss Committee Process and Access policy considerations
9:30 - 10:00am	Policy Q&A & Audience Poll

	2014/2015	2016/2017	2018
Jan	<ul style="list-style-type: none"> • <u>People for Bikes</u> introduces 3-class e-bike system: January 2014 	<ul style="list-style-type: none"> • IMBA Research on eMTB Access/Policies & Trail Impact Worldwide: 01/16 	<ul style="list-style-type: none"> • <i>Evergreen works with CBC and Jon Snyder to introduce SB 6434: Establish policy framework for E-bikes</i>
Feb			<ul style="list-style-type: none"> • <i>Evergreen advocacy alert on SB 6434</i>
March			<ul style="list-style-type: none"> • SB 6434 signed by Governor: Establishes policy framework for e-bikes
April			<ul style="list-style-type: none"> • <i>Evergreen participates in Frontlines Podcast on E-MTBs</i> • DOI Executive Order 3366: allows all 3 classes of e-bikes on nm trails (BLM/NP/DFW)
May			
June			
July			
Aug			<ul style="list-style-type: none"> • <i>Evergreen Blog/Social Media Outreach on SB 6432 / State Legislation</i> • <i>Evergreen issues "Where E-bikes Can Ride" Flyer</i>
Sept	<ul style="list-style-type: none"> • WTA publishes mountain bike and e-bike position paper 		
Oct	<ul style="list-style-type: none"> • <u>IMBA</u> E-MTB Trail Impact Study Fact Sheet 		<ul style="list-style-type: none"> • <i>Evergreen hosts WSTC eMTB panel with SP, DNR, King County.</i>
Nov	<ul style="list-style-type: none"> • IMBA Community eMTB Survey Results: 4,000 community responses, 129 land manager responses 	<ul style="list-style-type: none"> • People for Bikes, DOI & BLM Publish Land Manager Handbook: 11/17 	
Dec			

	2019	2020	2021
Jan			
Feb			<ul style="list-style-type: none"> • SB 5452 introduced: allow ebikes on nm trails – focus on disability • Evergreen/WTA/BCHM testify to amend ESSB 5452: Requires process to adopt e-bikes to nm single track trail
March			<ul style="list-style-type: none"> • Evergreen convenes multi-stakeholder e-bike Policy Advisory Committee as well as internal Evergreen Sub-Committee to help support the work. Meeting 1
April			<ul style="list-style-type: none"> • e-bike Policy Advisory Committee Mtg 2 • Evergreen e-bike sub-committee. Meeting 1
May			<ul style="list-style-type: none"> • Governor Signs ESSB 5453: agencies begin pilot planning • e-bike Policy Advisory Committee Mtg 3 • Evergreen e-bike sub-committee. Meeting 2
June			<ul style="list-style-type: none"> • e-bike Policy Advisory Committee Mtg 4 • Evergreen e-bike sub-committee. Meeting 3
July	<ul style="list-style-type: none"> • Evergreen presents at People for Bikes industry eMTB Summit: introduces challenges with grant eligibility 	<ul style="list-style-type: none"> • Evergreen Advocacy Alert on DOI e-bike Management Rules (note USFS NOT included!) 	<ul style="list-style-type: none"> • ESSB 5453 goes live: ADA access allowed • e-bike Policy Advisory Committee Mtg 5 • Evergreen e-bike sub-committee. Meeting 4
Aug	<ul style="list-style-type: none"> • DOI executive order 3376: requires public process to adopt e-bikes on nm trails 		<ul style="list-style-type: none"> • e-bike Policy Advisory Committee Mtg 6 • Evergreen e-bike sub-committee. Meeting 5
Sept	<ul style="list-style-type: none"> • Evergreen hosts e-bike panel at CBC conf. 		
Oct	<ul style="list-style-type: none"> • DNR opens e-bike pilot and community survey at North Mountain, Darrington • Evergreen 2019 community survey: Half of participants support Evergreen working to responsibly introduce class 1 e-bikes to trails. 	<ul style="list-style-type: none"> • USFS introduces rule 7700 and 7710: e-bike = motorized • Evergreen & industry partners write letter to oppose, & issues advocacy alert to members • Evergreen hosts Team Epic listening session 73% support Evergreen working to responsibly introduce class 1 eMTBs to trails. • Wilderness Society opposes e-bikes on trails 	
Nov	<ul style="list-style-type: none"> • WMBC issues position paper: no e-bikes on nm trails • State Parks allows class 1 and 3 on trails • Evergreen blog on e-bike policy & advocacy 		
Dec			<ul style="list-style-type: none"> • 01/2022: DFW and DNR pilot projects & comment period complete

Evergreen's Approach 2016 - 2020:

- **Closed Unless Signed Open**
- Seek access for Class 1 only, where it can be done sustainably and with land manager support
- Obtain Feedback / Pilot / identify E-bike only trail projects (Maloney)
- Pursue access for all NEW trail projects where historic user experience is not a factor
- Work toward trail access consistency over time

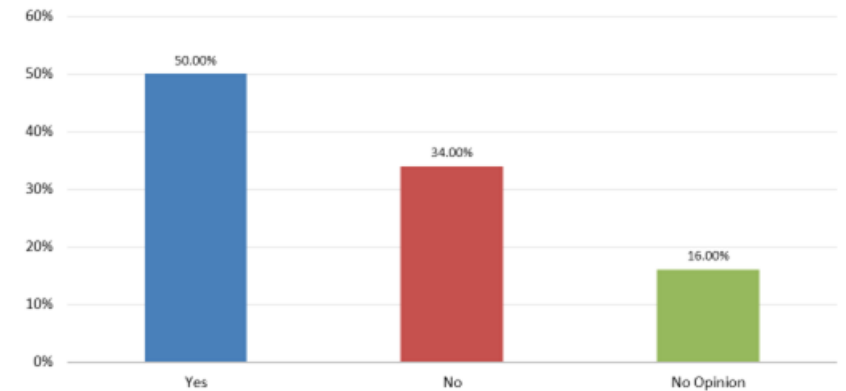
Evergreen's Approach Evolution - 2021:

- **Open Unless Signed Closed**
- Class 1 access only (*MTB manufacturers confirmed no plans for Class 2 and 3 e-MTB's*)
- Establish trail access consistency with increased urgency
- Ensure separate management objective between analog and e-bikes
- Develop a quality trail experience for all

What's Been our Approach?

- Work with Stakeholders: e-bikes are more than a Mountain Bike Issue!
- Introduce where feasible / sustainable / reasonable
- Operate from a “Closed-Unless-Signed-Open” Lens
- Focus on Class 1 - not addressing Classes 2 and 3 for single track non-motorized trails, nor gated non-motorized roads
- Support Access for e-bikes to Regional Commuter Trails and Double Track
- Advocate for access on all NEW mountain bike trails (North Mountain)

Do you support Evergreen spending time and resources to responsibly and sustainably introduce Class 1 e-MTBs (pedal assist, max 20mph) to single track trails?



Mean : 1.662 | Confidence Interval @ 95% : [1.624 - 1.699] | Standard Deviation : 0.737 | Standard Error : 0.019



Evergreen 2019 MTB Community Survey



Where are we Headed?

- Work with Stakeholders & Drive Legislation
- Introduce where feasible / sustainable / reasonable
- Operate from an “Open-Unless-Signed Closed” Lens
- Focus on Class 1 - not addressing Classes 2 and 3 for single track non-motorized trails, but CONSIDER for gated non-motorized roads
- Support Access for e-bikes to Regional Commuter Trails and Double Track
- Advocate for access on all NEW mountain bike trails (North Mountain)
- Leadership role in multi-stakeholder committee to find common ground amongst land managers and non-motorized stakeholders
- Approach with analysis and stakeholder input: try to keep emotion out....
- Be ahead of the next round of legislation.....

Biggest Fear

- Becoming a motorized sport! If USFS rules 7700 and 710 get passed mountain biking will officially have a motorized community (*traditionally held at arms length...*)
- *Tahoe National Forest now treats e-bikes as motorized*
- *Potential to lose access to non-motorized trail grants.*
- *Inability to get beyond powerful NGOs: Wilderness Society, Sierra Club, BackCountry Horsemen of America, National Hiking Association – who all draw the line at motor.*
- *What are your biggest fears?*

Biggest Opportunity

- Diversifying and growing our sport, and accepting a new inclusive trail access future for all! As e-bike technology becomes more and more ubiquitous we can set the stage for what we want our trail experience to look like and drive legislation, rather than respond to it!
- *What do you think the biggest opportunities are?*
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Perspectives Reviewed

- Disability Considerations / Mobility Device
- Physical limitations & Age Implications / Equity in Access
- Industry Innovation & Industry Responsibility
- Speed & Impact = > Class considerations
- Mountain Bike Community Support
- Trail Impact: # of miles ridden / turning radius / equestrian response
- Grant eligibility
- New user education / trail etiquette / awareness
- Tech Specs: Torque / Watts / Speed / Battery life / Use Trends
- Enforcement....

Why a Committee? ...It's the Washington Way...!!

- Based on the success of doing so with Wilderness... (Thank you Tom/WA Wild!)

WA Wilderness Principles

The common ground that local Wilderness and mountain bike advocates in Washington State have identified is summarized by the following shared goals.

1. Support permanent protection for high value wild lands and waters in Washington State (i.e., Wilderness and Wild and Scenic River designation)
2. Seek to avoid the loss of existing priority mountain bike trails and future trail opportunities as a result of new Wilderness designations.
3. Support some level of protective management for lands underlying or surrounding priority mountain bike trails excluded from Wilderness designation.

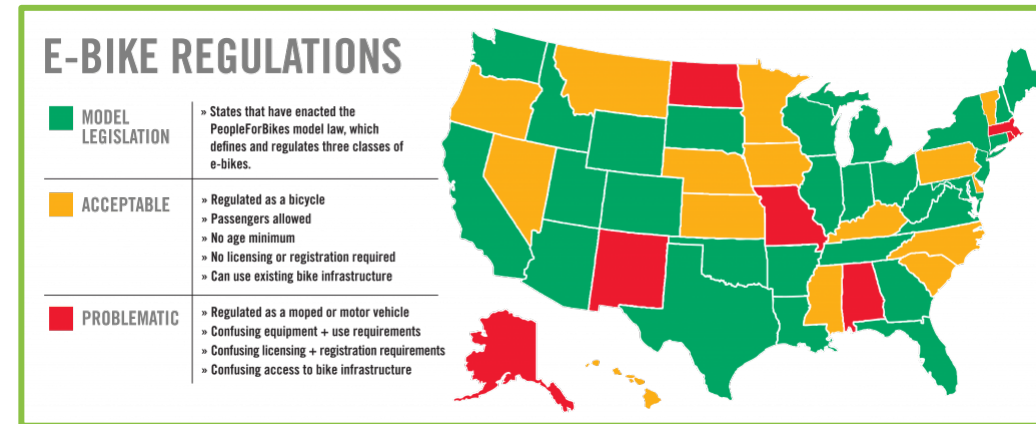
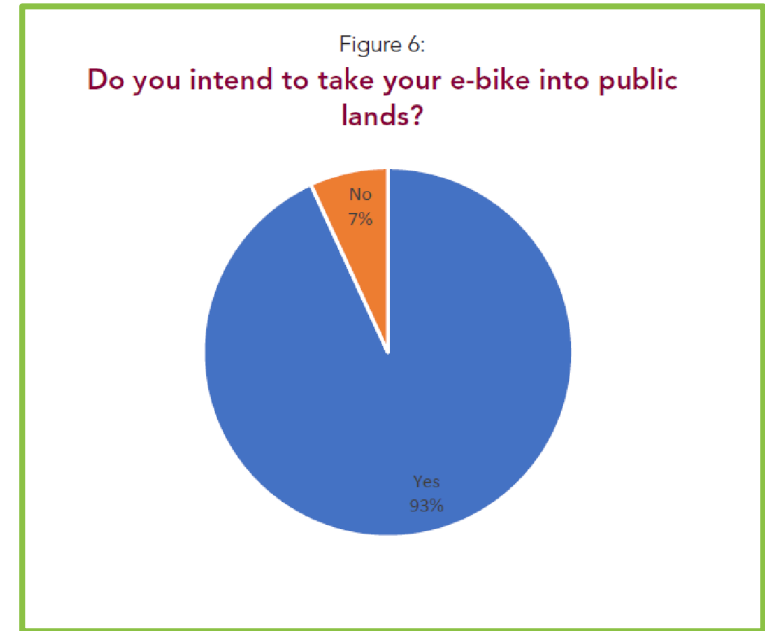


Let's do this for E-Bikes too!!!



Why this Committee? ...Urgency...!!

- Tremendous market growth:
 - 12% of US adults purchased a bike during pandemic
 - 140% growth in e-Bike sales in 2020!!
 - E-mountain bike growth expected to be 6.2%/year through 2025
 - Bike Imports up 49% over last year in January 2021 (37% in past 12 months)
- Continued consumer confusion on where e-bikes can go
- Increased pressure on Legislators to take action
- Use is extending beyond mountain bike & mobility communities to other recreation groups (hunters/anglers)
- Help Inform State Agency Public Process related to SB 5452
- Address lack of trail access / Current approach not fast enough...



E-Bike Advisory Committee – Proposed Purpose & Goals

Purpose:

Engage a diverse stakeholder group representing recreation, conservation, and land manager interests to establish common ground in recommendations for e-MTB access to non-motorized recreational trails and gated non-motorized roads.

DRAFT Goals:

Issue a widely-supported e-bike access recommendation detailed by class, use, and trail type to help inform and support land managers in their trails access evaluations, and provides clarity and consistency for e-bike access to trails.

Desired Outcomes

- Evaluation of all e-bike access options: pros/cons, considerations, enforcement, etc
- Identify and establish common ground among all stakeholder groups
- Draft policy advisory guidance for land managers
- Empower agencies to more easily adopt a supported & uniform policy
- Agree on recommended public process
- Assist agencies with Pilot implementation and Community feedback
- Assist agencies with public process? (SB 5452)

E-Bike Policy Advisory Committee Process

March	April	May	June	July	August
<p>Advisory Committee Mtg 1: March 10th</p> <ul style="list-style-type: none"> • Confirm purpose, goals, process & time frame • Confirm primary/secondary stakeholders: who's missing? • Review current policy environment • Summarize & document Evergreen & Agency actions to date • Share current stakeholder preferences/concerns • Identify policy baseline 	<p>Advisory Committee Mtg 2: April 15th</p> <ul style="list-style-type: none"> • Discuss immediate leg needs • Refine stakeholder use case and policy access preferences • ADA and adaptive rider priorities discussion • Industry technology trends update • Review and define scope of other e-technologies on trails • Summarize existing research, begin e-bike impact research process 	<p>Advisory Committee Mtg 3: May 20th</p> <ul style="list-style-type: none"> • Legislative Update • Discuss agency plans in response to HB 5452 • Review DNR eMTB pilot results • Conservation and environmental priorities discussion • Identify enforcement concerns/ risks • Research summary and results to date 	<p>Advisory Committee Mtg 4: June 10th</p> <ul style="list-style-type: none"> • Legislative Update • Recreation stakeholder priorities discussion (non-MTB) • Review stakeholder use case and access preferences document, summarize finding to-date • MTB etiquette project and industry standards updates 	<p>Advisory Committee Mtg 5: July 15th</p> <ul style="list-style-type: none"> • MTB industry priorities discussion • Review research • Discuss common ground • Obtain high level guidelines • Begin drafting policy recommendations 	<p>Advisory Committee Mtg 6: August 12th</p> <ul style="list-style-type: none"> • Review feedback on draft policy recommendations • Finalize recommendations, identify next steps • Identify ESSB 5452 next actions and pilot locations • Determine assistance needed by land managers • Discuss enforcement options • Determine ongoing committee role

Legislative Action Team: DNR / DFW / WTA / Evergreen / BCHM

- Report updates and respond to Legislative action items and Bill amendments

<p>EMBA Sub Committee Mtg 1: March 22nd</p> <ul style="list-style-type: none"> • Confirm Purpose & Goals • Review & summarize all stakeholder and agency actions to date • Create agency / stakeholder summary document/overview 	<p>EMBA Sub Committee Mtg 2: April 21st</p> <ul style="list-style-type: none"> • Refine committee comments & refine draft ebike policy • Discuss and refine Evergreen approach and recommendations 	<p>EMBA Sub Committee Mtg 3: May 27th</p> <ul style="list-style-type: none"> • Research overview • Industry technology and trends discussion • Review and discuss first draft of policy recommendations and etiquette 	<p>EMBA Sub Committee Mtg 4: June 24th</p> <ul style="list-style-type: none"> • Review policy recommendations draft • Outline recommended eMTB etiquette recommendations and initiatives 	<p>EMBA Sub Committee Mtg 5: July 22nd</p> <ul style="list-style-type: none"> • Obtain secondary stakeholder feedback / comments 	<p>EMBA Sub Committee Mtg 6: August 26th</p> <ul style="list-style-type: none"> • Adopt Advisory Committee policy recommendations
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E-Bike Policy Advisory Committee Members

Statewide Stakeholder Committee

Andrea Imler, Washington Trails Association

Alecia McConnell, Outdoors For All

Ben Donatelle, Recreation and Conservation Office

Betsy Robblee, The Mountaineers

Dewi Ali, Washington Wildlife and Recreation Coalition

Daphne Payne, King County Parks

Eric Brown, Whatcom Mountain Bike Association

James Moschella, Washington Trails Association

Jeff Chapman, John Wayne Pioneer Wagons and Riders

Jennifer Dye, Friends of Capitol Forest

Jesse Salsberry, Backcountry Hunters

Joel Sisolak, Department of Fish and Wildlife

Kathy Young, Backcountry Horsemen of Washington

Keith Michel, Friends of Capitol Forest

Leah Dobey, Department of Natural Resources

Marie Neumiller, Big Horn Show Manager

Mark Pidgeon, Hunters Heritage Council

Mark Smith, Eco Park Resort

Mitch Friedman, Conservation Northwest

Evergreen e-Bike Committee

Ace Bollinger, Evergreen Central Washington

Andy Rigel, Evergreen Board President

Bill Hasenjaeger, Whatcom Mountain Bike Coalition

Chris Conley, Evergreen East

Heidi Ashwell, Member

Joe Brown, Evergreen Methow

Kelly Amsbry, Evergreen Cascades to Sound

Mat Lyons, TREAD and Evergreen Central Washington

Michael Bach, Member

Peter Sherrill, Evergreen Board VP

Rob Thompsen, Member

Scott Chaffee, Evergreen Westsound Chapter

Tyler Forman, Evergreen Board VP & Cowlitz-Naches Chapter

Vern Boyles, Member

Wes Meyer, President, Evergreen Cascades to Sound Chapter

Paul Andrews, Member

Michael Brown, Diamondback / Altra Cycling



Stakeholders

PRIMARY

- Advisory Committee Members & Participating Organizations
- Local Land Managers
- Tribes
- Legislative

SECONDARY

- DEI / Disability Community
- Conservation Community
- Motorized Rec Community
- Mountain Bike Industry Reps
- Moto Industry Reps

E-bike Access Request Evaluation Matrix

Recreation Type	Use Case Summary / Access Request	Class 1	Class 2	Class 3	ADA Mobility Device	OPMD
Mountain Biking	Access to ALL non-motorized trails with class 1 or low-power e-MTBs	Yes	No	No	Yes	Yes
Trail Building / Maintenance / Trailer	Access to ALL non-motorized trails with class 1 e-MTBs to access backcountry sites (add additional	Yes	No	No	Yes	Yes
Trail Education & Enforcement	Access to ALL non-motorized trails with class 1 e-MTBs (and Class 2)?	Yes	No	No	Yes	Yes
E-bike Racing	Access to ALL non-motorized trails with class 1 e-MTBs	Yes	No	No	Yes	N/A
BikePacking/ Long Distance Touring	Access to ALL non-motorized trails with class 1 e-MTBs	Yes	No	No	Yes	N/A
Mountain Bike Tours / Tourism	Access to ALL non-motorized trails with class 1 e-MTBs (and 2?)	Yes	Yes	yes	Yes	N/A
Winter Fatbiking	Are there winter ebikes yet, ENVO?? see snowbiking	Yes	No	No	Yes	yes
Throttle-Powered Biking	Access to all NM trails for Class 2 bikes (e.g. seeing Rad Powerbikes on trails - <i>what to call this?</i>)	N/A	Yes	No	Yes	Yes
Search & Rescue	Access to ALL non-motorized trails with class 1, 2 and 3 e-MTBs for Search and Rescue purposes	N/A	N/A	N/A	N/A	N/A
Hunting	Access to single track trails with class 1, 2 and 3 utility ebikes to access increased terrain	Yes	Yes	Yes	yes	yes
Fishing	Access to ALL non-motorized trails with class 1, 2 and 3 e-MTBs to access more remote fishing spots	N/A	N/A	N/A	N/A	N/A
Climbing	Access to ALL non-motorized trails with class 1, 2 and 3 e-MTBs to access climbing spots along regional t	Yes	No	No	N/A	N/A
White Water / Boating	Access to ALL non-motorized trails with class 1, 2 and 3 e-MTBs for shuttling purposes	Yes	No	No	N/A	N/A
ADA / Adaptive	Access to ALL non-motorized trails with class 1, 2 and modified e-MTBs to accommodate all disabilities	Yes	Yes	Yes	Yes	Yes
Snowbiking	Similar to timbersleds or tracked dirtbikes. Companies are starting to make bike track conversions: ENM	N/A	N/A	N/A	N/A	N/A
Commuting	Access to ALL non-motorized trails with class 1, 2 and 3 e-MTBs for commuting purposes	yes	unknown	unknown	yes	yes

Early Wins...???

PRIMARY

- - motor isn't as much of issue to conservation community, but the amount of new users is!
- Green light for maintenance use
- Support for Class 1
- Support for 250 watt (Class "0")

Next Steps

- Complete Access Evaluation Matrix: hear from industry
- Reach Common Ground in policy and access recommendations
- Identify Implementation & Enforcement Options
- Create & Share Committee's & Evergreen's Access Recommendations with land managers and elected officials
- Assist agencies with e-bike pilots
- Create e-bike etiquette education resources
- Encourage Public comment: Advocacy alert: September/October
- *Help support common ground outcome & galvanize our community on this issue!*

Legislative Update: ESSB 5452

- Apr 23: Delivered to Governor. [\(View Bill as Passed Legislature\)](#)
- May 3: Governor signed
- Effective date: 7/25/2021.

Summary: WDFW and DNR are directed to undergo a public process to collect information related to e-bike use on natural surface trails and roads that are limited to nonmotorized use to determine where e-bike operation may occur and which classes of e-bikes are acceptable on such roads and trails under the agencies' management.

The public process engaged in by DNR and WDFW related to electric-assisted bicycles and recreational trails include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users. The public process must at a minimum include input from a list of interested parties and user groups.

The agencies must report the findings to the Legislature by September 30, 2022. Persons who possess a current parking placard for persons with disabilities may use class 1 and class 2 electric assisted bicycles on nonmotorized natural surface trails and closed roads on lands managed by DNR and by WDFW until June 30, 2023, or until legislation is enacted or rules are adopted on this topic, whichever is earlier.

Current Policy Environment - Review

SENATE BILL 6434 State of Washington - Effective July 7 – 2018

(amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new 2 sections to chapter 46.37 RCW.

1) Defines e-bikes as bikes as follows:

"Electric assisted bicycle" means a bicycle with two or three wheels a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than seven hundred fifty watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.



2) Classifies Ebikes:

The electric-assisted bicycle must meet the requirements of one of the following three classifications:

Class 1: Ebike in which motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph

Class 2: Ebike in which motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 mph

Class 3: Ebike in which motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 mph, and is equipped with a speedometer.

SENATE BILL 6434 State of Washington - Effective July 7 - 2018

3) Requires Labeling:

A manufacturer or distributor of new electric-assisted bicycles offered for sale or distribution in Washington state must:

a) Beginning July 1, 2018, permanently affix, in a prominent location, a label printed in arial font and at least nine-point type that contains the classification number, top assisted speed, and motor wattage;

b) Comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission.

c) A person shall not tamper with or modify an electric-assisted bicycle, as defined in RCW 46.04.169, so as to change the speed capability of the electric-assisted bicycle, unless the label in subsection (1)(a) of this section is appropriately replaced.



Defines Where Can They Go & Agency Jurisdiction...

- **Class 1 and class 2** ebicycles may be operated on a multipurpose trail, shared-use path or bicycle lane any part of a highway designated for the use of bicycles, **but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and state agencies may regulate the use of motorized foot scooters on facilities and properties under their jurisdiction and control.**
- **Class 3 ebikes** may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles **may not be operated on a shared-use path**, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State or local agencies may regulate the use of class 3 electric-assisted bicycles.....
- Except as otherwise provided in this section, **an individual shall not operate an electric-assisted bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an ebicycle on that trail.**