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Response to Public Comments

Draft E-Bike Policy

Updated 11/29/2022

This document details public comments received by the Department of Conservation and Natural Resources (“DCNR” or “Department”) on the Draft E-bike Policy (“draft policy”), an internal policy intended to outline specific guidance regarding the use of e-bikes (“pedalcycles with electric assist” as defined by the Pennsylvania Vehicle Code) on DCNR managed lands and trails.

Through the release of this document, DCNR is responding to those comments that specifically related to the proposed draft policy and/or its implementation.

PROPOSED CHANGES IN DRAFT POLICY

DCNR released the draft policy, for public comment on July 27, 2022. DCNR’s draft policy would generally permit e-bikes on DCNR managed trails and roads already open to traditional bike usage. The policy proposes that e-bikes be treated to the same as human-powered bikes by department staff, provided they:

- weigh no more than 100 pounds;
- never exceed 20 mph using the motor functionality;
- are equipped with a motor no more than 750 watts; and
- are equipped with fully functional, operable pedals.

The draft policy further states:

- Using the electric motor exclusively to move an e-bike for an extended period of time without pedaling is prohibited on non-motorized trails.

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- Operators shall adhere to advised speed limits along trails and never exceed 20 miles per hour while using the electric motor.
- The Department reserves the authority to limit the use of pedalcycles (“bikes”) on specific trails or portions of trails if deemed necessary for public safety, resource management, or other operational considerations.

COMMENT SOLICITATION AND OUTREACH

DCNR provided a 30-day comment period beginning on July 27, 2022. DCNR circulated the draft policy and Frequently Asked Questions (FAQ) document through its website, email, and social media. The Department released the policy at the Conservation and Natural Resources Advisory Committee (CNRAC) public meeting on January 27th and shared a recording of the presentation online as well as to the Department’s additional advisory councils, including the Snowmobile and ATV Advisory Council, the Pennsylvania Trails Advisory Council, the Natural Gas Advisory Council, the Ecological Management Advisory Council, and the Governor’s Sportsmen’s Advisory Council.

Although the state comment deadline was August 31st, DCNR accepted any comments received within a week beyond that date. All comments were accepted and considered.

DCNR encouraged the public to review the draft policy and submit public comments through its social media platforms. Over 600 comments were shared on DCNR’s Facebook and Twitter accounts related to the e-bike draft policy announcements. DCNR reviewed the post’s comments and found there were those in full support of the policy changes; those that expressed concerns; and others that were opposed to any additional e-bike use on DCNR lands.

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Per the administration's social media policy, communications posted on DCNR's social media accounts will not be construed as satisfying requirements for legal notice or service, shall not be considered official public comment, and shall not be construed as an official request for records pursuant to the Right-to-Know Law.

OFFICIAL COMMENTS RECEIVED

DCNR received 643 comments on the draft policy through the policy office, including 500 unique messages and 141 comments that used a form template (though many of these included personalized comments). All submitted comments were received via email. Most comments did not specifically reference the language of the policy itself and were either supportive or against expanded e-bike use on DCNR lands in general.

In reviewing the comments, DCNR Policy Office placed them into the following categories:

- Support with proposed amendments (35%)
- Support (29%)
- Against (24%)
- Overall Concerns (6%)

Overall, one-third of the commenters expressed enthusiasm and support for managing e-bikes the same as traditional bikes on DCNR lands. An additional one-third of commenters expressed overall support while recommending minor amendments to the policy. The final one-third of commenters shared concerns and/or were outright against the use of e-bikes on DCNR lands. More details on these perspectives are provided below.

Although most comments did not provide an address or location, a number of individuals that submitted comments did provide some geographical reference or noted a specific trail,

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park or forest. The following trails were specifically noted in regards to concerns related to expanded e-bike usage:

- Delaware Canal Towpath
- D&L Trail
- Great Allegheny Passageway
- Lehigh Gorge State Park
- Michaux State Forest
- North Country Trail
- Pine Creek Rail Trail
- Poe Paddy Tunnel Trail
- Presque Isle State Park
- Schuylkill River Trail

In addition to comments from individuals, the Department also received written input from the following trail and conservation organizations:

- Appalachian Mountain Club
- Appalachian Trail Conservancy
- Bicycle South Central PA
- Conservation and Natural Resources Advisory Council (CNRAC)
- Coalition for Appropriate Transportation
- D&L National Heritage Corridor
- Friends of Allegheny Wilderness
- Friends of Michaux State Forest
- Great Allegheny Passage Conservancy
- Keystone Trail Association

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- Montour Trail Council
- National Deer Association
- Rails Trails Conservancy, Northeast Region
- North Country Trail Association
- Ohiopyle Biking Club
- Backcountry Hunters and Anglers, PA Chapter
- Pennsylvania Downtown Center
- Pennsylvania Equine Council member
- Pennsylvania Environmental Council
- Pennsylvania Equine Council
- People for Bikes
- Potomac Appalachian Trail Club
- Valley Mountain Bikers - IMBA
- Westmoreland Heritage Trail

The following government and quasi-government entities submitted comments for consideration:

- Bridgeton Township Supervisor
- Cambria County Conservation and Recreation Authority, C&I Trail Council
- Elk County Commissioners
- Warren County Chamber of Business and Industry
- Yardley Borough Councilman
- York County Rail Trail Authority

The following industry and business entities submitted comments for consideration:

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- Pashek + MTR
- Pedego Harrisburg
- Pivot Cycles
- Pocono Biking
- Pop's Culture Shoppe
- Professional aerals, Inc.
- Purple Lizard Maps
- Rox-Tours, LLC
- Steffey Trail Connections
- Stoner Industrial Services
- Strauss Associates
- The Wheel Mill

SUPPORTIVE COMMENTS

Many commenters noted that e-bikes provide older individuals and those with physical limitations or medical conditions expanded access to DCNR lands, and highlighted the importance of improving opportunities for more people to enjoy outdoor recreational activities and explore outdoor places. Approximately 39% of those supporting the draft policy explicitly mentioned the need for older adults to have adequate access to the outdoors while approximately 36% referenced those with physical limitations. Even some of those with concerns or opposed to the draft policy recognized that prioritizing improved access for these individuals was important.

RESPONSE: This policy seeks to improve accessibility of Pennsylvania's state parks and forests through healthful active transportation for all Pennsylvanians and support's the agency's overall goal to promote "Recreation for All". E-bikes offer the public opportunities

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to expand their outdoor recreational access and can even serve as a primary mode of transportation for those interested in a healthier, more environmentally-friendly lifestyle.

SUPPORTIVE WITH PROPOSED AMENDMENTS

DCNR received 225 comments demonstrating overall support of the draft policy with proposed amendments. Many of the amendments reflect minor changes that would add additional clarity to the policy. The vast majority of these comments were focused on reducing the speed limit for e-bikes to 15 mph or 10 mph. Some commenters also recommended posting speed limits strategically along trails.

RESPONSE: The policy indicates that e-bikes cannot exceed 20 mph using the motor functionality. This was not intended to be a maximum speed but instead to keep the policy in line with the Vehicle Code's definition ([75 Pa. C.S. § 102](#)) of an e-bike which specifies in its definition devices "capable of a speed not more than 20 miles per hour." However, many understandably interpreted that e-bikes would be permitted on DCNR lands as long as they didn't exceed that speed. Most trails are not conducive to such high speeds whether operating an e-bike or traditional bike and some trails have recommended speed limits posted when appropriate. The policy does state that "[o]perators shall adhere to advised speed limits along trails and not exceed 20 miles per hour while using the electric motor." DCNR will clarify this language in the final policy to read "[a]ll operators shall always adhere to safe speeds and/or advised speed limits along trails and e-bike operators should never use the electric assistance to exceed 20 miles per hour while using the electric motor." The policy and outreach materials will affirm that all users must travel at safe speeds. In addition, DCNR will work with key partners to educate the public on safety protocols and proper etiquette and evaluate where speed limits should be posted along specific trails.

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A few commenters suggested adopting the classifications of e-bikes.

RESPONSE: The adoption of the three classifications would require legislation, which DCNR has supported in the past. Because the classifications are not codified in Pennsylvania, DCNR relies on the current definition in the Vehicle Code ([75 Pa. C.S. § 102](#)) for its e-bike policy.

A few dozen commenters recommended restricting use to only certain classifications, including only Class 1, only Class 1 and 2, and only Class 1 and 3. Some shared concerns regarding the speeds associated with Class 3 and others were more concerned regarding the throttle functionality of Class 2 e-bikes.

RESPONSE: The policy allows all three classifications of e-bike on roads and trails open to traditional bikes as long as the e-bikes meet the specifications set forth in the Vehicle Code ([75 Pa. C.S. § 102](#)) and individuals follow the operational guidance specified in the policy.

DCNR also notes that regulating classifications can be challenging. For example, Pennsylvania does not mandate or standardize the labeling of e-bikes sold or used in Pennsylvania. Additionally, as the industry evolves, e-bikes are being sold across classifications - meaning, a single device may qualify for multiple classifications. Consumers can also purchase conversion kits that allow for transforming traditional bikes to e-bikes or upgrading an e-bike to another classification. It's difficult for DCNR rangers to identify between the three classifications. Therefore, DCNR's policy focuses on creating a culture around trail etiquette and safety, including requiring users to ride responsibly and adhere to safe speeds. The use of the electric motor-only functionality when riding on non-motorized trails is prohibited.

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More than a dozen commenters suggested that the maximum wattage set at 750 was too low. They noted that many e-bikes are being sold at 1000 or more watts and that it may be difficult in the future to purchase a device at lower wattages. They also noted that some uses may require higher wattages such as pulling trailers for hunting or long-distance biking. A few commenters also suggested the wattage was too high.

RESPONSE: DCNR relies on the current definition of e-bike within the Vehicle Code ([75 Pa. C.S. § 102](#)) which sets the maximum wattage at 750. Consumers still retain many options to choose an e-bike the current e-bike definition used by the Commonwealth. Users are responsible for knowing their e-bike's specifications and should check with the manufacturer to determine the wattage. One can calculate the wattage by multiplying the voltage of the battery by the peak current limit (amps). E-bikes that exceed the weight, wattage, or other specifications identified in the policy are prohibited on DCNR trails. Generally, vehicles permitted on public roads, per the Vehicle Code, are permitted on DCNR's public use roads. Users should review Pennsylvania's Vehicle Code and DCNR regulations to ensure they are following applicable laws and regulations.

A few commenters expressed concern regarding the weight limit some suggesting it was too high and a few others suggesting it was too low. Some asked about the use of cargo trailers on DCNR trails and roads.

RESPONSE: Again, DCNR is relying on the current classification of e-bike within the Vehicle Code which sets the maximum weight limit at 100 pounds. Most e-bikes fall well below this weight limit.

A few commenters expressed interest in expanding the definition to include three wheels.

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RESPONSE: The Vehicle Code definition ([75 Pa. C.S. § 102](#)) used by DCNR does include vehicles with two or three wheels.

A few commenters recommended requiring a bell or audible device that can be used to notify other users of the e-bike's approach.

RESPONSE: DCNR will certainly recommend safety measures as well as strive to educate all bikers on proper trail etiquette which would include verbal or audible notifications when approaching other users on the trail. DCNR reserves the right to consider additional requirements for bikes used on DCNR lands. Such requirements extends beyond the scope of this policy and would require the Department undertaking a regulatory process.

A few commenters asked that DCNR specify that e-bikes do not include gas-powered vehicles.

RESPONSE: The Commonwealth's definition of e-bike per the Vehicle Code ([75 Pa. C.S. § 102](#)) which specifies vehicles equipped with an electric motor. Vehicles that are gas-powered do not fall into the definition of e-bike and therefore would not be permitted on DCNR trails.

A few commenters suggested that DCNR address other devices such as scooters and skateboards.

RESPONSE: This policy is focused specifically on bikes or pedalcycles. DCNR, however, recognizes that micromobility technology is continuing to evolve and will be looking to evaluate the use of different devices on its land.

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COMMENTS IN OPPOSITION

DCNR received just over 150 comments from individuals opposing the expansion of e-bike use on DCNR lands. Over one-half of those who voiced opposition to the policy recommend DCNR consider e-bikes as motorized devices.

RESPONSE: The Vehicle Code states that a pedalcycle is “a vehicle propelled solely by human-powered pedals or a pedalcycle with electric assist.” DCNR will regulate e-bikes the same as traditional bikes because (a) the Vehicle code defines them as a pedalcycle; (b) they are primarily human-powered; and (c) the motor is intended to provide assistance and not serve as a primary power source.

A few commenters had concerns related to the noise. Some felt that e-bikes would create noise issues on trails while others were concerned that their lack of noise would result in user conflicts and safety issues.

RESPONSE: E-bikes are not particularly loud, even with the motor engaged. The overall noise output may be slightly higher than a traditional bicycle. The noise level is much lower than what can be heard from a motorcycle or other forms of personal motorized transport. DCNR will strive to educate all users on proper safety techniques and trail etiquette that includes verbal or audible notifications when approaching other users on the trail. E-bikes will be permitted only where traditional bicycles are already permitted, therefore only a minimal change in noise level can be expected

A few commenters had concerns related to the environmental impact on natural resources, including erosion and sedimentation due to increased usage or heavier bikes, disruption to wildlife, and impacts on wilderness areas and backcountry experiences.

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RESPONSE: The Department will evaluate usage of e-bikes on forest and park lands and actively work to mitigate adverse effects particularly in regards to public safety and resource protection. The Department reserves the authority to limit the use of bikes on specific trails or portions of trails if deemed necessary for public safety, resource management, and other operational considerations. DCNR also recognizes that when used as an alternative to gasoline- or diesel-powered modes of transportation, e-bikes can reduce greenhouse gas emissions and fossil fuel consumption, improve air quality, reduce noise levels, and support active modes of transportation. Currently there is no significant research to determine whether the impacts from e-bikes differs from traditional bikes.

DCNR received dozens of comments from equestrians, including the Pennsylvania Equine Association, who have concerns related to shared-use trails where biking and horseback riding already result in safety challenges and user conflicts.

RESPONSE: The Department strives to ensure its trails offer outdoor recreation opportunities for a diverse set of users while balancing public safety and resource protection. DCNR will evaluate usage of e-bikes on forest and park lands and actively work to promote public safety and address user conflict. The Department reserves the authority to limit the use of bikes on specific trails or portions of trails if deemed necessary. DCNR will also prioritize education and outreach in regards to improving trail safety. The Department will work with user and trail groups as well as the bike industry to educate the public on the new policy. DCNR is focused on managing behavior from a safety perspective while enhancing outdoor opportunities and experiences that welcome a wide variety of recreational users. DCNR will use its public outreach tools, including social media, e-newsletters, website, and signage (as needed), to educate the public and advance safety protocols. DCNR rangers have the

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authority to cite users who are creating unsafe trail conditions or causing unwarranted damage to the resource.

More than a dozen commenters who opposed the policy specifically noted speed as their primary concern.

RESPONSE: DCNR recognizes that e-bikes have the capability of reaching high speeds with the help of the motor. DCNR also recognizes that traditional bikes have the capability to reach high speeds depending on the conditions of the trail and capability of the user. DCNR currently manages thousands of miles of multi-use trails and actively works to eliminate conflicts among user groups. DCNR will strive to manage e-bikes the same as human-powered bikes which will include proactive education and outreach regarding trail safety and etiquette. The policy does state that “users are responsible for maintaining safe speeds for themselves and others on trails and roads at all times.”

DCNR also heard from several sportsmen and hunters who expressed concerns about the use of e-bikes to access backcountry and wild areas and the potential conflict it could have on hunting. Some suggested e-bikes may be allowed only for older adults or those with physical limitations.

RESPONSE: This policy seeks to improve accessibility of Pennsylvania’s state parks and forests through healthful active transportation for all Pennsylvanians and support’s the agency’s overall goal to promote “Recreation for All”. E-bikes offer the public opportunities to expand their outdoor recreational access and can even serve as a primary mode of transportation for those interested in a healthier, more environmentally-friendly lifestyle. Through the implementation of the e-bike policy, DCNR strives to improve access and provide more people the opportunity to engage in recreational activities such as hunting and

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fishing. Education regarding trail safety and etiquette will be vital to ensure all parties enjoy and safely use Pennsylvania's state parks and forests.

ADDITIONAL CONCERNS/COMMENTS

DCNR received a few dozen comments sharing specific concerns related to the draft policy, including issues related to noise, speed, and safety – all of which have been addressed in the responses above.

Additional concerns were shared regarding the Department's ability to enforce the policy.

RESPONSE: As noted in the release of the Draft policy, DCNR will work with user and trail groups and the industry to educate the public on the new policy. DCNR is focused on managing behavior from a safety perspective while enhancing outdoor opportunities and experiences that welcome a wide variety of recreational users. DCNR will use its public outreach tools, including social media, e-newsletters, website, and signage (as needed), to educate the public and advance safety protocols. DCNR rangers have the authority to cite users who are creating unsafe trail conditions or causing unwarranted damage to the resource. Pedalcycles that exceed the weight, wattage, or other specifications identified in the policy are prohibited on DCNR trails. Generally, vehicles permitted on public roads, per the Vehicle Code, are permitted on DCNR's public use roads. Users should review the Pennsylvania's Vehicle Code and DCNR regulations to ensure they are following applicable laws and regulations. DCNR may cite users whose e-bikes are not in compliance.

Several commenters shared concerns regarding the use of e-bikes on specific trails. Those trails referenced in the comments are noted above in this document.

RESPONSE: The Department will evaluate usage of e-bikes on forest and park lands and actively work to mitigate adverse effects particularly in regards to public safety and resource

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protection. The Department reserves the authority to limit the use of bikes on specific trails or portions of trails if deemed necessary for public safety, resource management, and other operational considerations.

Some commenters shared concerns regarding the language in the policy that states, “on non-motorized trails, e-bike operators are not permitted to use motor only function for extended period of time.” The concerns are that it will be difficult to enforce.

RESPONSE: The policy is designed to manage e-bikes the same as traditional bikes because they are primarily human-powered. DCNR’s intentions for including this language is to ensure the integrity of non-motorized trails by permitting only human-powered devices even as technology evolves over time. This policy instructs that the e-bike motor may only be engaged when the user is pedaling on non-motorized trails. The reason e-bikes, including those with throttles, are permitted on non-motorized trails is because the expectation is that they will be ridden as traditional bikes. Full throttle can be deployed on roads and motorized trails, if open to bike riding.

One commenter recommended that wild areas be treated the same as natural areas and that biking be prohibited to safeguard the natural resources and secure designated wilderness areas.

RESPONSE: DCNR will be evaluating its resource management strategies to determine if additional protections or restrictions are necessary.

Several commenters suggested registration for e-bikes so that DCNR could better track the use on its lands and more easily track users through license plates or stickers while also generating revenue for increased usage or potential impacts.

RESPONSE: This would require legislation or regulatory process and would require additional administrative capacity with the Department. As DCNR is managing e-bikes the

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same as traditional bikes, the Department would need to license all bikes the same as the Pennsylvania Fish and Boat Commission licenses and registers all watercraft, regardless if they are equipped with a motor.

Several commenters noted on the need for strategic outreach and education around safety and trail etiquette.

RESPONSE: DCNR certainly agrees and is working on developing materials that can be shared through partners and stakeholders that reinforce safety protocols, trail etiquette, and policy provisions.

Several commenters also noted the need for DCNR to establish monitoring and evaluation protocols that allow the Department to better study the impacts from e-bikes and/or increased bike activity as well as determine best maintenance and management practices.

RESPONSE: The draft policy states that the “Department will evaluate the impacts of biking on forest and park lands and actively work to mitigate adverse effects, particularly in regards to public safety and resource protection.” DCNR is committed to maintaining sustainable trail systems and protecting the resource.