



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

6/30/21

Memorandum

To: Regional Directors
Associate and Assistant Directors
Superintendents
Chief, United States Park Police

From: Deputy Director, Operations
Exercising the Delegated Authority of the Director

Subject: Reviewing Electric Bicycle Use on Trails and Administrative Roads under the E-Bike Regulation

Purpose

On November 2, 2020, the National Park Service (NPS) issued a final regulation regarding electric bicycles (e-bikes) in national parks, which became effective on December 2, 2020. The final rule stated that it superseded and replaced the previous National Park Service policy regarding e-bikes, Policy Memorandum 19-01, dated August 30, 2019. The purposes of this memorandum are to: (1) reiterate that Policy Memorandum 19-01 has been replaced by the final rule and has been officially rescinded and withdrawn; (2) remind superintendents that they have the discretion to allow e-bikes or not; and (3) direct superintendents of park units that allowed e-bikes on trails or administrative roads under the rescinded e-bike policy to reconsider that decision under the e-bike regulation.¹

Background

Policy Memorandum 19-01 directed superintendents to amend their park compendiums to allow e-bikes where traditional bicycles are allowed and prohibit them where traditional bicycles are prohibited, and authorized only limited superintendent discretion to restrict or impose conditions on e-bike use.

The e-bike regulation superseded and replaced Policy Memorandum 19-01. The e-bike regulation makes clear that superintendents have the discretion to allow, or not to allow, e-bike use on park roads, parking areas, administrative roads, and trails that are otherwise open to bicycles based on visitor and resource considerations. The e-bike regulation is at 36 CFR 4.30(i), and the definition of an e-bike, including the classes of e-bikes, is at 36 CFR 1.4.

It is important that superintendents use their discretion under the e-bike regulation to decide whether, where, and under what conditions e-bike use is appropriate, and to manage e-bikes

¹ The direction in this memorandum is consistent with the court's opinion in *PEER et al. v. NPS et al.*, Case No. 1:19-cv-03629-RC (D.D.C.), Memo. Opinion, dated March 30, 2021, at 28 n.10 ("Each NPS park could recertify their e-bike policies pursuant to the Final Rule that is now in effect.").

based on the specific conditions at their park unit. Using this discretion is appropriate given the broad and varied nature of specific conditions in park units.

Required Actions

In park units that authorized e-bike use on any trail or administrative road² under Policy Memorandum 19-01, the superintendent is directed to reconsider whether, where, and under what conditions e-bike use should be allowed on trails or administrative roads under the e-bike regulation at 36 CFR 4.30(i). This decision should be based on the resource conditions of the park, the particular characteristics of the trail or administrative road, conflicting visitor uses, safety concerns, and any other relevant considerations. This memorandum does not dictate the substantive result of this reconsideration.

If the superintendent determines that e-bikes or certain classes of e-bikes should no longer be allowed on trails or administrative roads, or that conditions for use should change, the superintendent must make such changes in the park compendium under the process laid out in 36 CFR 1.5, including the requirement to provide adequate public notice in accordance with 36 CFR 1.7, and comply with NEPA and other applicable laws. If the superintendent determines that no change should be made to e-bike use on trails or administrative roads, the superintendent must certify that decision by resigning and dating the compendium action and complying with NEPA and other applicable laws. In either instance, the updated compendium provisions allowing e-bikes should cite the regulations at 36 CFR 1.4 and 4.30(i), not the rescinded Policy Memorandum 19-01.

Parks that currently only allow e-bike use on public roads and parking areas are not required to take any action under this Memorandum because motorized uses were already allowed in those areas before the e-bike policy was issued. Park units that have already reconsidered e-bike use on trails or administrative roads and completed compliance documentation after the e-bike regulation became effective on December 2, 2020, also do not need to take any further action. Compendium actions regarding changes to or the recertification of e-bike use on trails or administrative roads may fall within the categorical exclusion (CE) for “minor changes in programs and regulations pertaining to visitor activities” specified in section 3.3.D.3 of the NPS NEPA Handbook due to similarities between bicycle use and e-bike use, the careful resource and visitor impact analysis conducted before designating a trail for traditional bicycle use, and the speed limits enforced on most bike trails.

This CE requires thorough written documentation explaining how the action falls within the CE and why no extraordinary circumstances apply. Whether a superintendent decides to change e-bike use or maintain existing e-bike use on trails or administrative roads, the park must determine whether the CE applies to the new decision and must complete appropriate documentation. Information included in prior CE documentation should be included along with new information relevant to the decision, including new information about the impacts of e-bike use. CE documentation should thoughtfully discuss potential impacts and how they will be minimized at the park, incorporating information gained from monitoring existing e-bike use. A park should prepare an environmental assessment if appropriate, although it should first consider

² An “administrative road” is a road that is closed to motor vehicle use by the public, but open to motor vehicle use by the National Park Service for administrative purposes.

adopting management alternatives or mitigations that would reduce impacts to allow for the appropriate use of a CE.

Once these actions are completed, superintendents must upload a link to the updated compendium language, the signed CE, and any associated documentation to PEPC and provide a copy to their Regional Environmental Coordinator along with the PEPC ID.

To assist superintendents with their decisions, the NPS is working expeditiously with the U.S. Department of Transportation Volpe Center to review relevant e-bike studies and other information and prepare a summary of key findings regarding e-bike use patterns and broad potential resource and visitor impacts. Superintendents should apply relevant information to the specific conditions at their park to inform their decision regarding e-bike use on trails and administrative roads and to support their NEPA compliance. This information, and any other studies or monitoring data used to support the evaluation of impacts from e-bike use, should be cited in the CE documentation and included in the project file. The NPS anticipates that this review and summary will be completed and disseminated within 30 days of the date of this Memorandum.

Given the heightened demands on staff due to summer visitation, the need for the NPS to complete the summary of e-bike studies, and the desire for a thoughtful review of e-bike use on trails and administrative roads, superintendents are not required to immediately implement these actions. However, these actions should be completed as soon as practicable, and must be completed by September 28, 2021. In the interim, superintendents should use their discretion to make any necessary changes to e-bike use in their parks. Although very few, if any, incidents involving e-bike use have been reported to date, superintendents should evaluate any such incidents and take appropriate action, including, if necessary, restricting or prohibiting e-bike use in the park.

Further information on e-bikes within the National Park System, including the NPS Active Transportation guidebook which is being updated with additional e-bike related resources, and relevant contact information for regulatory, recreation, public affairs, and accessibility questions can be found at: <https://doimspp.sharepoint.com/sites/nps-outdoor-recreation/SitePages/Electric-Bicycles.aspx>.