



NEMBA Guidance to New England Bicycles Dealers Regarding The Issue of Electric Mountain Bikes (eMTBs)

Bicycle dealers around the country and in New England are facing a dilemma about whether their shops should sell power-assist mountain bikes (eMTBs) designed to be ridden on singletrack trails. Some shop owners are weighing the cost/benefit of stocking them on the shop floors while others have decided not to sell them because of the potentially negative consequences of having eMTBs on their local trails. In New England this is an especially difficult calculus because there are so few places that eMTBs may legally be ridden on public land.

We hope this primer for bicycle dealers in New England will help shop owners decide if it's beneficial to their business – and to the sport of mountain biking – to sell offroad eMTBs. The primer will focus on the following issues:

- » An overview of mountain bike trail access and how it relates to eMTBs
- » A state-by-state breakdown of where eMTBs can be legally ridden off road in New England
- » An explanation of NEMBA's position on eMTBs

Mountain Bike Trail Access & eMTBs

We are fortunate to have great access to trails in New England and it is because of this access that the sport of mountain biking is so popular and why mountain bike sales are so strong. However, our access to trails is the result of many years of advocacy to convince land managers and regulatory agencies that mountain biking is a sustainable, safe sport that is appropriate on public lands and shared trail systems. NEMBA was founded 30 years ago when mountain biking was nearly banned entirely from two large parks near Boston: the Middlesex Fells and the Blue Hills. Since then, mountain bike access has become mainstream — almost taken for granted — but our access is still predicated on the fact that mountain bikes are non-motorized vehicles.

We should not forget that mountain bike access is a result of the continued hard work of dedicated advocates, and in many areas we still have much to do. There are still many land managers and other trail users who do not like sharing trails with mountain bikers, and we must remain vigilant to safeguard our sport.

Motorized vs. Non-Motorized

Access in New England has always been based on the fundamental understanding that mountain biking is a “non-motorized” form of recreation, on par with hiking, XC skiing, trail running, etc. As a non-motorized sport, those in charge of our public lands manage mountain biking using the same guidelines and practices as other non-motorized user groups – though there are still many parks which ban mountain biking. All in all, we are fortunate that there are myriad opportunities for mountain biking in New England but we need to keep in mind that this is because of the bedrock advocacy principle that mountain biking is a non-motorized form of recreation.

In contrast, off-road motorcycling, ATV-ing and even snowmobiling have been increasingly restricted and there are fewer and fewer legal places available to them. The same could likely happen to mountain biking if we become seen as a motorized sport.

If eMTBs begin to become common on public trails and usage problems result – legally or illegally – the primary and most effective way for land managers to keep them off public lands will be to ban all types of bikes. Also, if eMTBs become regulated as a “mountain bike” and are able to be ridden on non-motorized trails, land managers

could create restrictive policies that affect the entire sport of mountain biking. This will greatly limit where all bikes can be legally ridden on trails.

Advocacy groups like NEMBA have worked hard to develop good relationships with other organized recreational-trail user groups, such as the Appalachian Mountain Club. However, if eMTBs become common on our shared-use trails, there would likely be a backlash from a wide range of users and recreation stakeholders.

NEMBA works constantly to open up new trails and new areas to ride. Many of these are managed by town conservation commissions, land trusts, or private individuals where even the idea of allowing motorized bicycles would make it nearly impossible to gain permission. If our mountain bike advocacy efforts need to include eMTBs, our successes will be few and far between. Right now, there isn't much of a population of eMTB riders but if a user base does develop, this new community of eMTB riders will need to set up their own advocacy organization and make their own case for access.

The Dealer Dilemma

Bicycle dealers need to appreciate that trail access is critical to our sport. Quite simply, trails = sales. The reverse is equally true: fewer trails, fewer sales.

This issue puts bicycle dealers in the crosshairs of a dilemma. Should dealers stock eMTBs in their shops and make a few sales or should they stick to selling pavement-oriented e-bikes for the commuting and transportation market? Some dealers have decided to do the latter because they don't wish to be responsible for losing mountain bike trail access. We respect this position.

However, if bicycle dealers decide to sell eMTBs, they need to be upfront with their customers and educate them about where these eMTBs can be legally ridden in their sales territory. If a dealer's customer territory doesn't include legal places to ride eMTBs, then they should seriously consider not offering them on the showroom floor.

Dealers should be concerned with growing the sport and growing their business. We agree that e-bikes are a product segment with tremendous potential for commuting and recreation on paved roads and bike paths – but not for the offroad mountain bike market. The mountain bike community is opposed to allowing eMTBs on trails, and the vast majority appear to agree that eMTBs should stick to motorized trails. Riders don't want them on mountain bike trails and they don't want to deal with the fallout they will likely cause.

Biker Backlash

eMTBs are a hot topic on the Internet mountain bike forums, especially on Facebook and MTBR.com, and there is a lot of animosity surrounding motorized mountain bikes within our MTB community. Sometimes bike dealers are getting called out for selling eMTBs, and we have seen online comments that if you see an eMTB in a shop, walk away as fast as you can. This is another element that bicycle dealers need to include in their decision-making. Will dealers be alienating their traditional mountain bike clientele if they showcase eMTBs? Quite possibly.

Where can eMTBs be ridden legally in New England?

If your shop decides to offer eMTBs, we strongly urge you to educate your customers about where they can ride. To not let your customers know does them a disservice and also creates a big problem for local land managers and mountain bike advocates who will need to deal with the problem your shop has created.

The short answer is that all the major state and federal land management agencies in New England allow e-bikes only on trails which allow motorized recreation. E-bikes may also be ridden on private property and private trail systems with the permission of the landowner.

Many local trail systems are managed by town conservation commissions or land trusts that have not fully developed policies specific to electric, power-assist vehicles. However, all of those we've spoken to verify that regardless of the amount of power emitted by the electric motor, they are still by definition motorized and are managed as such.

How e-bikes are managed on paved public paths is unclear, and frequently state and local regulations have not yet caught up to the technology of e-bikes, and there is no definitive list of where e-bikes are allowed to ride on paved pathways. We support efforts to clarify the transportation policies regarding e-bikes as long as such policies are not applied to our natural surface trail systems.

Connecticut

The Connecticut Department of Energy & Environmental Protection (CT DEEP) does not specifically call out e-bikes in their regulations but currently manages them as a motorized form of recreation.

There are two public motorized trail systems where e-bikes and motorcycles are allowed. [Pachaug State Forest](#) (Voluntown, CT) has 58 miles of motorcycle trails available to e-bikes. The forest is open yearly except during mud season.

E-biking is also allowed at the US Army Corps of Engineers' property, [Thomaston Dam](#) (Thomaston, CT). There is a formally-designated trail area on the west side of the dam that is open to trail bikes that is open from late-May to September.

E-bikes are not allowed on any other trails in the Connecticut state park system. They are also not allowed at any of the other popular mountain bike destinations, such as Rockland Preserve (Madison, CT), Pisgah (Durham, CT) or Mianus River Park (Stamford, CT).

eMTBs may not be ridden on local conservation land or land trust properties that prohibit motorized recreation.

Maine

Maine's Bureau of Parks and Lands treats e-bikes as a motorized vehicle and allows them only on trails designated for motorized use. Maine has an [extensive network of motorized trails](#) available to e-bikes. Regional Manager, Gary Best, recommends the [Androscoggin Riverlands](#) (Turner, ME) as an excellent place to ride eMTBs.

The [Mt. Agamenticus Conservation Region](#) allows eMTBs on their multi-use, motorized trails but they are not allowed on any of the hiking or hiking/biking trails.

eMTBs may not be ridden on local conservation land or land trust properties that prohibit motorized recreation.

Massachusetts

eMTBs are not allowed on any non-motorized trails in Massachusetts. There are no places to legally ride eMTBs on public land within the Route 128 beltway and there is only one within Route 495.

Massachusetts' Department of Conservation & Recreation's regards e-bikes as "motorized recreational vehicles", (as opposed to a "bicycle") and allows them on trails designated for motorized use ([Mass 302 CMR 12.12 & 12.14](#)). Currently there are eight State Parks that offer opportunities for e-bikes but trails in these State parks are only open for about 6 months per year.

- » [Beartown State Forest](#) (Monterey, MA)
- » [October Mt. State Forest](#) (Lee, MA)
- » [Pittsfield State Forest](#) (Pittsfield, MA)
- » [Tolland State Forest](#) (Tolland, MA)
- » [F. Gilbert Hills State Forest](#) (Foxboro, MA)
- » [Franklin State Forest](#) (Franklin, MA)
- » [Wrentham State Forest](#) (Wrentham, MA)
- » [Freetown State Forest](#) (Freetown, MA)

The US Army Corps of Engineers does not have a formal e-bike policy but they appear to be allowed on the motorized trails at [Hodges Village Dam](#) (Oxford, MA), blazed in orange. This is the only USACE property in Massachusetts that allows motorized use.

eMTBs may not be ridden on local conservation land or land trust properties that prohibit motorized recreation, including properties owned by The Trustees of Reservations.

New Hampshire

In New Hampshire e-bikes may only be ridden on trails designated as motorized or on private trail systems with permission of the land owner. eMTBs are not allowed on any non-motorized trail in the NH State Park system, per resolution 7301.18: "the recreational use of electric and power-assisted bicycles on natural surface trails shall be managed within the same rules and regulations as motorized vehicles."

New Hampshire has an [extensive motorized trail network](#) available for eMTBs. The US Army Corps of Engineers' Hopkinton Everett Dam (Contoocook, NH) has a popular 26-mile, [multi-use trail system](#).

[Jericho Mountain State Park](#) (Berlin, NH) also offers many miles of multi-use trails available for eMTBs.

In the White Mountain National Forest, the US Forest Service allows eMTBs on [designated snowmobile trails in the Saco Ranger District](#) when such trails are open to snowmobiles.

eMTBs are allowed on private property and private trails with permission of the landowner. One such property is [PRKR Mountain Trails](#) (Littleton, NH) which does allow e-bikes on the trails.

It should be noted that eMTBs are not allowed on trails at Stonewall Farm (Keene, NH, or the FOMBA trails (Auburn, NH), per the Manchester Water Works which owns the property.

eMTBs may not be ridden on local conservation land or land trust properties that prohibit motorized recreation.

Rhode Island

The Rhode Island Department of Environmental Management manages eMTBs as motorized. Currently, there are no parks in Rhode Island that allow eMTBs except during permitted motorized events. As such, the popular mountain bike destinations, Big River Management Area, Arcadia Management Area, Burlingame State Management Area and Lincoln Woods are off limits to eMTBs.

eMTBs may be ridden on private property with permission of the landowner, but they may not be ridden on local conservation land or land trust properties that prohibit motorized recreation.

Vermont

Vermont's Department of Forests, Parks and Recreation regards eMTBs as a category of motorized All Terrain Vehicle (ATV) and allows them only on trails designated for ATVs. Currently there are no State Park trails open to ATV's. ATV's, including eMTBs, are allowed on frozen bodies of public water.

Vermont does have an [extensive number of Class 4 roads](#) that are open to recreational vehicles, including eMTBs.

Many of the popular mountain bike destinations in Vermont do not allow eMTBs. This includes, among others:

- » Kingdom Trails (East Burke, VT)
- » Green Mountain Trails (Pittsfield, VT)
- » Trapp Family Lodge (Stowe, VT)
- » Cady Hill Forest (Stowe, VT)
- » Perry Hill (Waterbury, VT)

NEMBA's Position on eMTBs

NEMBA's position is as follows:

“The recreational use of electric and power-assisted bicycles, ORVs or ATVs on natural-surface trails should be managed using the same guidelines and policies as other motorized vehicles.”

We are aware that people with physical challenges may wish to use these vehicles on natural-surface trails. NEMBA would support this under the guidelines that state and federal agencies have already adopted for these special cases.

NEMBA bases its position on the following:

Mountain biking is a human-powered form of recreation and e-bikes are, de facto, electric “motorbikes.” It does not matter that they are power-assisted or that their throttle is controlled by pedaling. E-bikes are motorized and should be managed as such.

The Federal Bureau of Land Management (BLM) issued a [directive to all of its Field Offices](#) to let them know that the BLM classifies e-bikes as motorized and only allows them on motorized trails. The US Forest Service also [manages electric bicycles as motorized](#).

All of the state park agencies in New England currently manage e-bikes as off-road motorized vehicles. The USFS in the White Mountains only allows them on trails open to snowmobiles during snowmobile season. Other places, like Mt. Agamenticus Conservation Area (ME) and Massabesic Watershed/FOMBA (NH) and the Kingdom Trails (VT) do not allow them on non-motorized trails.

NEMBA agrees with the International Mountain Bicycling Association's [2010 position on e-bikes](#): “...the use of a motor, whether internal, combustion or electric, would require changing the classification to a motorized use. IMBA would support the use of e-bikes anywhere that we could also support other motorized uses” NEMBA also agrees with [IMBA's public comment](#) that “mountain biking should remain a non-motorized activity. Therefore, we conclude that riding e-bikes on natural-surface trails is not mountain biking. Further, we state that e-bike regulation for off-road travel should fall under motorized land management policies and rules.”

The underlying management of trail recreation is based upon differentiating motorized and non-motorized forms of recreation. Some are proposing to create a third category of trail use to allow e-bikes on some but not all non-motorized trail systems. NEMBA believes that this is a bad choice for several of reasons:

- » First, it will be unwieldy and very difficult to manage in practice, especially since the motorized bikes look quite similar to regular bikes. There are even eMTBs that are marketed as “stealth”, meaning no one easily can tell that they are motorized. This appears to be so that they can be ridden anywhere, legally or not. It is unlikely that users of eMTBs would remain on designated non-motorized trails and not use others. We anticipate that many users of eMTBs will have no awareness (or concern) for these access distinctions.
- » Second, the speed differential between eMTBs and other bicyclists and pedestrians will cause safety issues. eMTBs will likely be ridden at least double the speed of existing recreational trail users. This is compounded by potential and likely increases in user-conflict and trail safety issues due to the fact that the new set of riders being marketed eMTBs, likely won't understand the importance of being responsible trail users or will be unaware of the arduous history of mountain bike advocacy that has allowed them trail access in the first place.
- » Third, in the eyes of land managers and the general public — many of which are still against sharing trails with bikes-- a bike is a bike. Neither could easily tell if it was an eMTB or mountain bike. Any conflicts between eMTBs and non-motorized users would be laid at the feet of mountain bikers and become our problem. Land managers may be more inclined to just ban bikes outright from trails we currently enjoy access.

Class 1 e-bikes can go 20 MPH even up hills. This is significantly faster than all other non-motorized trail users and will create significant user conflict and safety issues, especially since the motor is silent. The average speed of mountain bikers on rolling terrain is 5-7 MPH, similar to trail runners, and about twice as fast as walkers. The electric motor-powered speed of 20 MPH will create average speeds that are considerably faster than human-powered mountain bikes and runners. Currently, there is a lack of sound, or peer-reviewed, literature examining the social and ecological impacts of eMTBs. This void of knowledge needs to be addressed to inform sound management strategies and regulation.

Class 1 e-bikes have 750 watts of power and are required to have a software-based “governor” to restrict their maximum speed. But this software can be overwritten to allow e-bikes to go much faster than designed. The Internet has [numerous videos showing this](#). NEMBA predicts that there will be a significant “after market” that will develop for performance upgrades to e-bikes that will allow users to remove all “as-sold” restrictions on power and speed limits for e-bikes. This magnifies the importance of keeping e-bikes classified as motorized vehicles and on motorized vehicle trails.

We hope that bicycle dealers seriously consider not selling eMTBs unless there are trails in their market area that are open to eMTBs. At a minimum, we urge dealers to discuss an ongoing plan to educate their e-bike customers about where eMTBs can legally be ridden and to educate both their customers and sales staff about the issues eMTBs pose for our trail access. We would urge dealers to provide their customers with written material detailing where eMTBs can be ridden.

Bicycle dealers have always played an important and positive role in our sport, and we hope that you will think about the long – and short – term consequences of electric mountain bikes on our local trails.