

Frequently Asked Questions for SO 3376 Implementation
October 21, 2019

1. Question: Are e-bikes allowed on BLM trails due to SO 3376?

Answer: As the BLM works to fully implement SO 3376, District or Field managers should use the exclusion to the definition of off-road vehicle (OHV) at 43 CFR 8340.0-5(a)(3) to authorize the use of Class I, II, and III e-bikes where ever bicycles are allowed, provided they are operated in the pedal assist mode. E-bikes should not be used on a trail or road that is currently limited to non-OHV or non-motorized use only, unless a BLM District or Field Manager issues a decision authorizing their use in accordance with applicable law. SO 3376 does not supersede existing laws and regulations: It states that implementation is to be consistent with governing laws and regulations.

2. Question: What is the timeline for implementing SO 3376?

Answer: In the short term, the BLM is implementing SO 3376 by encouraging District or Field managers to use the exclusion to the definition of OHV at 43 CFR 8340.0-5(a)(3) to authorize the use of Class I, II, and III e-bikes where traditional bicycles are allowed. In considering when and where to authorize the use of e-bikes, authorized officers should take into account the policy set forth in SO 3376 that the use of e-bikes and traditional bicycles should be generally treated in the same manner. In accordance with SO 3376, the BLM intends to propose revisions of 43 CFR 8340.0-5 and any associated regulations to be consistent with the direction in the Order.

3. Question: Are e-bikes allowed to be used to travel cross-country (e.g. not on a road or trail) on BLM managed lands as a result of SO 3376?

Answer: Unless specifically authorized by a District or Field Manager, e-bikes may not be used to travel cross-country outside of areas that are designated as open to OHV use under 43 CFR 8342.1 in the applicable land use plan. E-bikes must comply with all trail restrictions, including staying on marked and designated trails.

4. Question: Will signs and information at BLM-managed trails be changed to indicate that e-bikes are allowed where bicycles are allowed?

Answer: Signage should be changed where the District or Field Manager has expressly authorized the use of e-bikes, as consistent with BLM's policy. Educating the public will be needed in both the short term and following full implementation of SO 3376. Managers should determine the most appropriate communication methods to match the local situation.

5. Question: How should BLM field managers authorize the use of Class I, II, and III e-bikes to fit within exclusion to the definition of off-road vehicle (OHV) at 43 CFR 8340.0-5(a)(3)?

Answer: Field or District managers should issue decisions generally authorizing the use of Class I, II, and III e-bikes where traditional bicycles are allowed. In considering where e-bike use may be appropriate, field managers should take into account local conditions, such as natural and cultural resources, potential user conflicts, and the laws, regulations, and policies of adjacent jurisdictions regarding e-bike use. Field managers should also undertake to revise travel management plans to affirmatively allow e-bikes in areas where traditional bicycles are allowed but e-bike use is currently prohibited.