

Report to the Natural Resources Commission on Citizen Petition to allow the use of non-motorized bikes and e-bikes on DNR properties Administrative Cause No. 23-SP-042;

This matter was initiated by Patrick Carpenter (“Mr. Carpenter” or “Petitioner”) with the filing of a Citizen Petition, attached as “Exhibit A.” The Division of Hearings assigned Administrative Cause No. 23-SP-042.

A DNR Committee was appointed to review this petition and consisted of Senior Staff Attorney, Matthew Rea; Assistant Forrester, Bradley Schneck; Deputy Director of Operations, Brandt Baughman; Deputy Division Director, Dale Brier; Southwest Public Lands Supervisor, Daniel J. Eckstein, and Captain of Law Enforcement, Jet D. Quillen; The Committee’s findings follow:

Background

Mr. Carpenter petitioned the DNR to “allow bikes and/or e-bikes on DNR properties.” Petitioner proposes a sticker permitting process for e-bikes, wherein the DNR would charge a fee of not more than fifty dollars (\$50.00) to permit the operation of e-bikes on [unspecified] DNR properties. Mr. Carpenter suggests that such permitting is necessary to address “unequal practices,” with respect to boat operators, who can “access those lands more easily than people who do not have a boat.” Petitioner suggests that a twenty mile per hour speed limit should be imposed for e-bikes.

Mr. Carpenter stated that “a bike/e-bike with a trailer has a smaller environmental footprint than two people dragging a game cart.” Similarly, Petitioner urges that the use of bikes or e-bikes “eases game (animal) transportation; and “[l]essens the chance for meat spoilage.” Petitioner suggests that his proposed policy will generate funds that “could partially be allocated to creating, maintaining and clearing small trails in public lands.” Lastly, Mr. Carpenter argues that allowing bikes and e-bikes on DNR properties will “make it easier for persons with some mobility impairments (e.g. have a challenge walking long distances).”

The relevant state statutes and rules are as follows:

IC 9-13-2-26.6 "Class 1 electric bicycle"

Sec. 26.6. "Class 1 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance to the operator when the electric bicycle reaches a speed of twenty (20) miles per hour.

IC 9-13-2-26.7 "Class 2 electric bicycle"

Sec. 26.7. "Class 2 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) may be used to exclusively propel the electric bicycle; and
- (2) ceases or is unable to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

IC 9-13-2-26.8 "Class 3 electric bicycle"

Sec. 26.8. "Class 3 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

312 IAC 8-2-8(d) Vehicles, trails, boats, and aircraft

(d) Unless an activity is licensed or exempted from licensure under this rule, a person must not do the following:

- (1) Leave the designated pathway for a trail while moving cross-country.
- (2) Except on a trail designated for the purpose:
 - (A) hike;
 - (B) bike;
 - (C) ski;
 - (D) horseback ride; or
 - (E) operate an off-road vehicle or snowmobile.

312 IAC 8-2-8(j) Vehicles, trails, boats, and aircraft

(j) A person may operate a Class 1 electric bicycle on a trail designated by the department as a mountain bike trail.

Response

In addition to 312 IAC 8-2-8(j), the DNR permits the use of bikes and e-bikes in accordance with the public guidance document attached as "Exhibit B." All landholding divisions within the Indiana Department of Natural Resources allow Class 1 e-bikes, as defined in Indiana Code 9-13-2-26.6, to be operated on all designated mountain bike trails and DNR campgrounds. Class 1 and 2 e-bikes may be operated on paved multiuse trails (unless otherwise restricted) and public roads within DNR properties. Non-motorized bikes and Class 1 and Class 2 e-bikes are allowed on all hard surface trails. Class 1 e-bikes and non-motorized bikes are permitted on natural surface trails where mountain bikes are permitted. Additionally, the DNR maintains specifically designated bike trails (including e-bikes) at the following properties:

Brown County State Park
Clifty Falls State Park
Fort Harrison State Park
Harmonie State Park
O'Bannon Woods and Wyandotte Caves SRA
Quabache State Park
Pokagon State Park

Potato Creek State Park
Prophetstown State Park
Spring Mill State Park
Trine SRA
Versailles and Bradt NA
Brookville Reservoir
CM Harden (Raccoon) Mansfield Mill
Patoka Lake
Salamonie Lake
Interlake SRA
Redbird
Deam Lake SRA
Starve Hollow SRA
Deer Creek FWA
Wabashiki FWA
Wilbur Wright FWA
Clark State Forrest
Ferdinand State Forrest
Harrison-Crawford State Forrest
Jackson-Washington State Forrest
Martin State Forrest
Morgon Monroe State Forrest
Owen-Putnam State Forrest
Yellowwood State Forrest

Based on the foregoing, the DNR currently provides much of what Mr. Carpenter has proposed. The DNR offers ample opportunity for the use of bikes and e-bikes on many DNR properties. Presumably, Petitioner is requesting an expansion of this use, that is, that bikes and e-bikes be permitted *anywhere* on all DNR properties. Such expansion is neither practical nor ecologically sound. The DNR submits that expanding the use of bikes and e-bikes beyond their current allowable use would have a negative impact on the properties' natural features. Additionally, allowing bikes and e-bikes off trail will increase wildlife disruption, especially if occurring during nesting or breeding periods. The DNR respectfully disagrees that allowing non-motorized bikes and e-bikes outside of the established trails will create a "smaller environmental footprint vs. walking."

The DNR must also balance the varying interests and needs of all guests, and not solely those of bikers. Allowing non-motorized bikes and e-bikes to be used anywhere on any DNR property would inevitably create user conflicts among guests using the property for differing purposes. For example, many users of the DNR's state forest system access remote areas to seek quiet solitude in the outdoors. Use of non-motorized bikes and e-bikes beyond their current use will potentially increase congestion and diminish the experience for these users.

Lastly, the Petitioner asserts that allowing non-motorized bikes and e-bikes on DNR properties will aid persons with mobility impairments. The DNR already has an established permitting process that allows those with physical disabilities to access areas using mobility devices. This

includes the use motorized conveyances to hunt and fish in areas of the that otherwise would not be possible.

In conclusion, the DNR allows the use of non-motorized bikes and e-bikes on many of its properties with some restrictions. The DNR believes that the petition to expand the use of non-motorized bikes and e-bikes on DNR properties is not warranted under the circumstances.

Thank you,

s/Matthew L. Rea
Senior Staff Attorney
Indiana Department of Natural Resources

From: Ryan Carpenter
To: nrcrules
Subject: Proposal for bikes and/or e-bike use on public land
Date: Sunday, December 17, 2023 11:47:48 AM

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi my name is Patrick Carpenter. I reside at 1705 S 11th St. Terre Haute, IN. This is my proposal to:

Allow bikes and/or e-bikes in [specific DNR property category]

Biking:

- Has smaller footprint vs. walking.
- Eases game (animal) transportation.
- Lessens the chance for meat spoilage.
- Makes it easier for persons with some mobility imparimenrs (e.g., have a challenge walking long distances).

How to enact this

Similar to your current regulations for boats on DNR properties. For each bike, electric or non electric, would purchase a DNR sticker permit, and display it visibly on the bike. The charge could be more than the boat sticker but I would like to see it no more than 50 dollars. You could charge more for a multiyear choice.

Justification

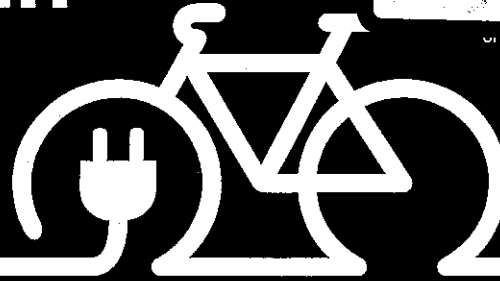
I think this is important as it addresses some unequal practices. In properties located by a waterway, people who have a boat can access those lands more easily than people who do not have a boat. Allowing bicycles and e-bikes in [specific category of] DNR property would level the playing field for everyone. This is why it is a good policy change that would provide equal access to public lands.

Also, a bike/e-bike with a trailer has a smaller environmental footprint than two people dragging a game cart.

One of the benefits of the proposed policy is that it would generate funds that could be partially allocated to creating, maintaining and clearing small trails in public lands. These trails would enhance the recreational and ecological value of the lands, as well as provide clear demarcation of property boundaries. Most of these trails already exist from people walking on them, so they would only require minimal upkeep. By using these trails, we can respect the rights of landowners and enjoy the natural beauty and resoueces of our state.

For people using an e-bike, place speed limit rating of 20mph.

What e-bikes can I ride on DNR property?



To be more inclusive, DNR allows some e-bikes on some trails. E-bikes are not permitted on trails where bikes are not permitted. There are no special e-bike-only trails or areas. If you have questions, please contact the property manager where you plan to ride.

Roads

All three classes of e-bikes are allowed on our roads inside properties, just like regular non-motorized bicycles.

Hard Surface Trails

On paved, concrete, or gravel trails classes 1 and 2 e-bikes are allowed.

Natural Surface Trails

Only class 1 e-bikes are allowed on natural surface trails where mountain bikes are permitted.

Motorized Properties

Class 1 e-bikes allowed at Interlake and Redbird. Class 2 and 3 not allowed.

Types of e-bikes

The class of e-bike determines where it can be used. Here are the three types of e-bikes:

- **Class 1** e-bikes have an electric motor using 750 watts or less, a maximum assisted speed of 20 mph, and are pedal assist only. There is no throttle. IC 9-13-2-26.6 defines a Class 1 electric bicycle.
- **Class 2** e-bikes have an electric motor using 750 watts or less, a maximum assisted speed of 20 mph, and are pedal assist and have a throttle so they can be ridden without pedaling. IC 9-13-2-26.7 defines a Class 2 electric bicycle.
- **Class 3** e-bikes have an electric motor using 750 watts or less, a maximum assisted speed of 28 mph, and are pedal assist only. There is no throttle. IC 9-13-2-26.8 defines a Class 3 electric bicycle.

If a bike with an electric motor does not exactly meet one of these definitions, then it is not an e-bike and is considered a motorized vehicle. IC 9-21-11-13.1 defines the use of electric bicycles.