

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 135 ]

### Preliminary Provisions; Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 131.2, 135.2 and 135.41 (relating to definitions; unlawful actions; and State game lands) to define and allow use of Class I and II electric bicycles (e-bikes) on State game lands in the same manner as traditional bicycles.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission has observed that e-bikes are gaining popularity within this Commonwealth and many hunters are exploring use of e-bikes to assist them in reaching their hunting and trapping locations. Under current regulations, it is unlawful to use or operate any type of e-bike on State game lands, unless used by individuals with mobility disabilities. The Commission also recognizes that there are many areas within its State game lands system that are difficult to access often due to a lack of a comprehensive road system that could sustain routine road vehicle traffic. In many cases, it is simply impractical to build new or maintain, or both, comprehensive road systems in these areas.

As a result, the Commission has determined that permitted use of certain e-bikes could greatly improve State game lands access and the hunting and trapping experience for many hunters, including those that do not suffer from a mobility disability. The Commission believes that allowing responsible use of certain e-bikes can be accommodated without significant damage to existing State game lands road and trail systems, wildlife populations or the peace and tranquility of the Commission's wilderness areas.

The Commission is proposing to amend §§ 131.2, 135.2 and 135.41 to define and allow use of Class I and II e-bikes on State game lands in the same manner as traditional bicycles. These devices will be limited to a two-wheeled bicycle equipped with fully operable pedals and an electric motor of 750 watts (1 horsepower) or less that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. It is important to note that these proposed amendments do not eliminate current statutory restrictions prohibiting the possession of loaded firearms in, on or against vehicles propelled by mechanical power under section 2503 of the code (relating to loaded firearms in vehicles).

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations...for its use

and protection as necessary to properly manage these lands or waters." The amendments to §§ 131.2, 135.2 and 135.41 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2, 135.2 and 135.41 to define and allow use of Class I and II e-bikes on State game lands in the same manner as traditional bicycles.

#### 3. Persons Affected

Persons wishing to use e-bikes on lands designated as State game lands may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-455. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 131. PRELIMINARY PROVISIONS

#### § 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Broadhead**—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

**Class I electric bicycle**—A two-wheeled bicycle equipped with fully operable pedals and an electric motor of 750 watts (1 horsepower) or less that provides assistance only when the rider is actively pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. This term does not include any device that is equipped with a throttle or that provides any degree of assistance from an electric motor when the rider is not actively pedaling.

**Closed season**—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

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**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter A. GENERAL PROVISIONS**

**§ 135.2. Unlawful actions.**

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by **Class I or Class II electric bicycles and** certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).

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**Subchapter C. STATE GAME LANDS**

**§ 135.41. State game lands.**

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(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

(1) Contaminate, pollute or degrade groundwaters or surface waters or any waterways.

(2) Graze or permit the grazing of livestock, place or maintain beehives or beekeeping apparatus.

(3) Solicit, or place advertisements, signs or posters.

(4) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal, except on roads normally open to public travel, or designated routes as posted, or while lawfully engaged in hunting, trapping or fishing.

(5) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal from the last Saturday in September until the third Saturday in January, and before 1 p.m. from the second Saturday in April through the last Saturday in May inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

(6) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal on roads open to foot travel only.

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[Pa.B. Doc. No. 20-378. Filed for public inspection March 13, 2020, 9:00 a.m.]

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