Record of Determination Reconfirming and Restating Bicycles are not allowed on the roadways of the Clara Barton and George Washington Memorial Parkways

Pursuant to 36 C.F.R. § 4.30(a), this reconfirms and restates bicycles are not allowed on the roadways of Clara Barton Parkway, from Chain Bridge to MacArthur Boulevard, and the George Washington Memorial Parkway, from Mount Vernon Circle to Interstate 495, near the American Legion Bridge. This determination is also consistent with the NPS Management Policies (2006) 9.2.2.4 that provides bicycle travel may be integrated with park roads only when determined to be safe and feasible.

Bicycle use on both Parkway roadways is unsafe and not feasible. Such bicycle use is also inappropriate in the interests of public safety, resource protection and the avoidance of visitor conflicts. As far back as 1991, the park Compendium provided for bicycling on the Mount Vernon Trail, while since 2007 bicycles have been prohibited on the roadways of the George Washington Memorial Parkway and Clara Barton Parkway.

On the south Parkway, the roadway inner lane is only nine feet wide while the roadway outer lane is eleven feet wide. Besides being narrow, the roadways contain blind curves. The storm inlet drain grates of the Parkway also run parallel to the roadway, which could "catch" a bicycle tire and flip a bicyclist into motor vehicle traffic, which can cause serious accidents. From data collected in 2009, the George Washington Memorial Parkway roadway has 7,716,798 vehicle visits March-May; 7,716,798 vehicle visits June-August; 7,576,082 vehicle visits for September-November; and 6,579,118 vehicle visits December-February. The roadways of the Parkways are too narrow and unsafe to allow both bicyclists and motorists to utilize the same roadway lanes.

Bicyclists have an available and safe alternative to use. Multi-use, paved, recreational trails run parallel to most of both roadways on the Parkways, which were created for bicyclist and pedestrian use. For example, the Mount Vernon Trail was built in 1973, and runs parallel to the George Washington Memorial Parkway for 18.5 miles from Mount Vernon to Theodore Roosevelt Island, was built in 1973. The Chesapeake & Ohio Canal National Historical Park Canal's Towpath Trail was dedicated in 1977, and runs parallel to the Clara Barton Parkway for 6.8 miles from approximately Chain Bridge to Angler's Inn.

Less restrictive measures will not suffice because of the serious safety hazards presented by having bicyclists and motorists travel on the same roadways. This bicycle prohibition is not of a significant nature and magnitude that will result in a "significant alteration in the public use pattern." As such, the closure does not constitute impairment to park resources and values and will not adversely affect the aesthetic, cultural, or natural values of the park. It does not require significant modification to the resource management objections. It is also not of a highly controversial nature because bicyclists have an alternative means of travel next to both Parkways along designated multi-use trails.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR 1.5(c). This is consistent with the legal opinion of the

Office of the Solicitor and past judicial adjudications. Accordingly, pursuant to 36 C.F.R. §1.5(b), publication as rulemaking in the Federal Register is unnecessary and unwarranted. This determination is consistent with hundreds of past park closures or public use limitations, the legal opinion of the Office of the Solicitor, and past judicial adjudications. *Mahoney v. Norton*, No.02-1715 (D.D.C. August 29, 2002), *plaintiffs' emergency motion for injunction pending appeal denied Mahoney v. Norton*, No.02-5275 (D.C.Cir. September 9, 2002)(per curiam); *Spiegel v. Babbitt*, 855 F.Supp. 402 (D.D.C. 1994), *aff'd and vacated in part* 1995 US App. LEXIS 15200 (D.C. Cir. May 31, 1995); *Picciotto v. United States*, No. 99-2113 (D.D.C. August 6, 1999); *Picciotto v. United States*, No. 94-1935 (D.D.C. September 9, 1994); *Picciotto v. Lujan*, No. 90-1261 (D.D.C. May 30, 1990); *Picciotto v. Hodel*, No. 87-3290 (D.D.C. January 26, 1988).

Pursuant to 36 C.F.R. § 1.7, notice of the bicycle prohibition will be made by supplemental signage and media advisories, and by officers' direction. Pursuant to 36 C.F.R. § 1.5(c), this Record of Determination is also available to the public upon request.

D P Marshall

Superintendent, George Washington Memorial Parkway

08-05-11

Date