

Objection to Class 1, Pedal assist E-Bikes on select trails, #66475

Deschutes National Forest, Bend-Fort Rock Ranger District, Sunriver, and Sisters Ranger District.

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Legal notice posted June 12, 2025 for public comment/objections

Objector's Name, address, telephone number:

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Signature:



Description of the aspects of the project addressed by the objection, including specific issues related to the project:
Date: July 6, 2025

In the DNFONSI draft it states on

- 1) page 4 that "Alternative 2 approves the use of class 1 e-bikes on select trails in areas as outlined in Figure 1" And that "The use of class 2 and class 3 e-bikes will remain prohibited on these select trails"
- 2) My objections and concerns to this is two-fold: The first is Oregon is a state that does not use, recognize or require identification of which class of eBike is which. Oregon does not use the 3 class system. Oregon does not require a visible label on e-bikes that displays the class, top speed, and motor wattage. See included printed page from <https://www.ebicycles.com/ebike-classes-guide/>. So, it will be impossible to regulate and police the use of class 2 and class 3 e-bikes on these trails. I did not know the difference between the different classes, and it is obvious most other people don't know the differences as well. Unless an environmental impact assessment is done for the use class 3 e-bikes on these trails (have wattage that exceeds that of an average human powered bike by more than 50% or 250+ watts), then it is unknown what environmental impact will happen with this Decision. The second objection and concern is that the geographic boundaries of this Decision will also be impossible to police and limit. There are already many ebikes (hundreds, likely) on the Phil's trail system since the June publication of the legal notice of comment/objection period. E-bike users likely read the notice and assumed that means e-bikes are legal on the trails now. Or, they just don't care and take them there anyway. If they can't follow the rules now, how will they be expected to follow them once they are legally allowed on the select trails? How will they be kept off the trails where they aren't allowed? Signage? They're not reading the signs now. Same concern for the seasonal closure.

I feel that the time and effort that I am putting into this objection will be wasted, I'm afraid this decision (Alternative 2) will go through despite my efforts and preference for Alternative 1 - No Action. But please consider that biking with analog bikes on trails, (like we have been for more than a decade), along with e-bikes, regardless of the class, diminishes the experience. We are very concerned that our rides will now be colored by being passed by trail users with no manners, no trail etiquette, and trails will be widened and eroded by the higher numbers and higher wattage of the e-bikes. The other concern is that if we try to ride trails that don't allow e-bikes, that there will still be e-bikes present, albeit illegally.

Also, please consider investing in some early bike patrol or bicycle police that will help to teach users what is legally allowed and why, and also where the geographic boundaries are for e-bikes. Please don't leave this to analog users who care. Signage must be huge, and say more than just the class of e-bikes allowed, since that is not a clear delineation. Signage must say "NO THROTTLES" or something of the like to inform the users of what is allowed and what is not. Signage at the boundaries of where e-bikes are allowed must be in the way of e-bikes, so it can't be missed, especially early on, and be very clear that "e-bikes are prohibited beyond this point".

Thank you for reading my objections and considering suggested remedies.

Gretchen Rowe, DVM, Cert IVUSS



Class that it came with.

E-bike classification is not always limited to the bike itself, but rather the setting and limitations placed on the electric motor.

The [Aventon Adventure.2](#), for example, comes stock as a Class 2 e-bike with a top speed of 20 mph using pedal assist and throttle. However, the Adventure.2 can be unlocked to a Class 3 e-bike with a top speed of 28 mph.

You can also remove the throttle from the Adventure.2 if you are in an area that restricts e-bikes with a throttle. Switching e-bike classes can be as simple as opening up the e-bike's app or toggling the settings on your e-bike's display.

The ability to switch classes of electric bikes and unlock higher speeds is one of the best and most underrated features of modern e-bikes. This also allows you to share your e-bike at home. If you have one experienced cyclist and one beginner, for example, you can toggle between Class 2 for the beginner rider and Class 3 for the experienced rider – all on the same bike.

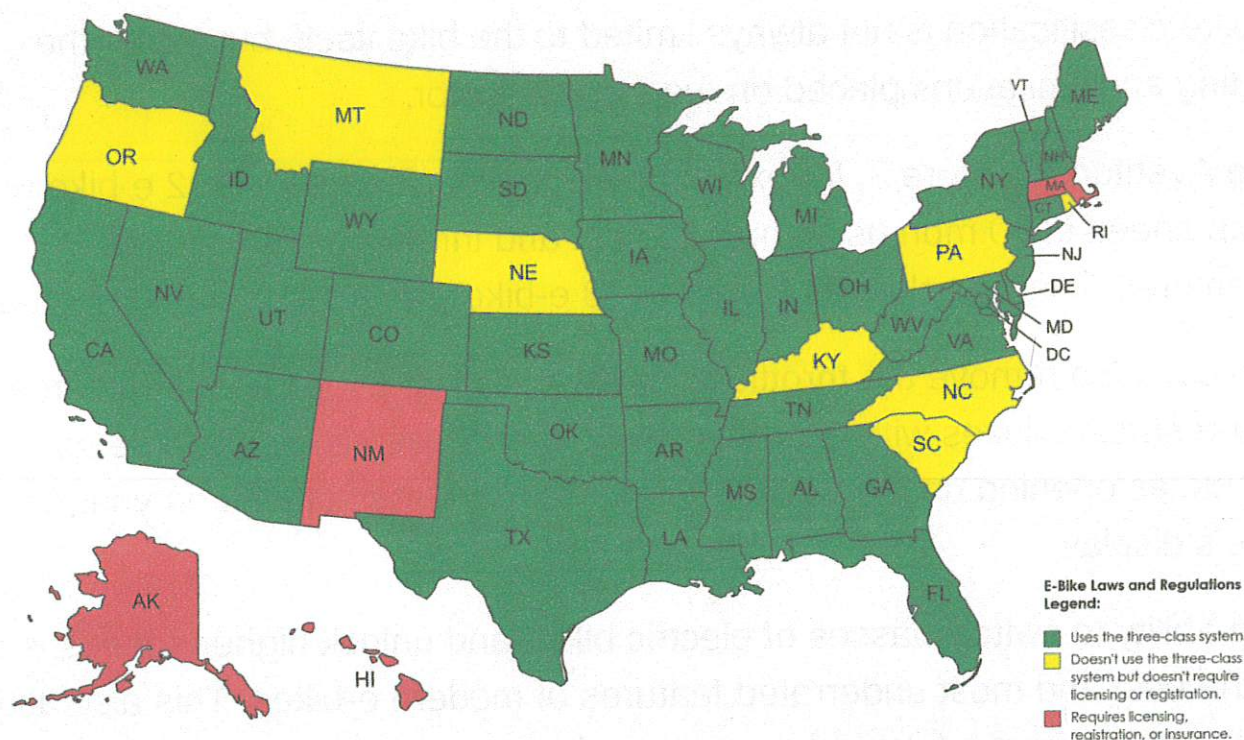
E-Bike Law Requirements in the US

Some of the most common questions surrounding e-bikes involve e-bike laws, requirements, and regulations. In the US, some states treat Class 2 e-bikes as mopeds, so the question are highly warranted.

But we're going to keep it simple. Here is an overview of the e-bike law requirements in the US.

As of early 2023, 38 US states use the three-class system of e-bike categorization (i.e. Class 1, Class 2, and Class 3).

On the other hand, 12 states regulate e-bikes but **do not** use the three-class system. These states are New Mexico, Alaska, Massachusetts, Hawaii, North Carolina, South Carolina, Nebraska, **Oregon**, Montana, Pennsylvania, Rhode Island, and Kentucky.



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In most US states that use the three-Class system, registration and insurance are **not required** for e-bikes. Crucially, all 38 of these states require a visible label on e-bikes that displays the class, top speed, and motor wattage.

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In the 12 states that don't use the three-class system, you may need a license, registration, and or insurance to operate an e-bike. Check your local laws if you live in one of the 12 states listed above.

When it comes to **electric bike helmets**, individual states and territories have unique helmet laws for cyclists and e-bikers. Many states require helmets on e-bikes, but these regulations vary based on e-bike class, rider age, and local laws.

- Related post: [Do You Need a License for an Electric Bike?](#)



July 27, 2023

Electric Bicycles (E-Bikes) on Federal Lands

In recent years, the sale and usage of electric bicycles (or *e-bikes*) in the United States has increased rapidly. Although numbers vary, some industry experts estimate that more than 1 million e-bikes were imported to the United States in 2022, making them the fastest-growing segment of the bike market (*Business Insider*, April 22, 2023).

E-bikes also have become a popular mode of recreation across the nation's parks, forests, and trails. Proponents of e-bikes see them as a way to increase access to and within these places, particularly for individuals who may otherwise not be able to bicycle owing to physical limitations, age, or other factors. At the same time, some have raised concerns regarding potential environmental and safety issues posed by the usage of e-bikes in areas intended for traditional, nonmotorized bicycles and/or pedestrians. In addition, uncertainty around whether e-bikes should be classified and treated as traditional bicycles or as motorized vehicles has led to confusion among land managers and users alike. In response to these and other issues, federal land management agencies (FLMAs) are adapting their policies and regulations to ensure the usage of e-bikes on lands under their jurisdiction complies with their management directives and legal requirements.

Legislators and land managers also may face additional questions in the coming years as e-bike technology, production, and user trends evolve. Congress may consider future federal lands legislation or oversight activities related to any such changes (see "Emerging Issues").

What Is an E-Bike?

Although definitions may vary across jurisdictions and between agencies, the term *e-bike* typically refers to two- or three-wheeled bicycles with small (not more than 750 watts) electric motors that provide assistance in generating momentum through pedaling or via a hand throttle. The design and capabilities of e-bikes may vary, but FLMAs generally have established a three-tier classification system that limits what may or may not be considered an e-bike based on maximum assisted speed (see **Table 1**).

This system is generally consistent with other definitions of the term *e-bike* established elsewhere in law by Congress. For example, the Consumer Product Safety Act defines *low-speed electric bicycles* under this three-tier classification (15 U.S.C. §2085). More recently, Congress enacted a similar definition for the term *electric bicycle* for the purposes of surface transportation programs (23 U.S.C. §217(j)(2)). For FLMAs, agency policies distinguish between these various classes of e-bikes, with certain areas closed or open to certain classes (see "Agency Regulations and Guidance"). E-bikes that fall outside of this classification system are typically considered motorized

uses and may be subject to different legal and/or regulatory restrictions on federal lands. (For more information on motorized recreation on federal lands, see CRS Report R42920, *Motorized Recreation on Bureau of Land Management and Forest Service Lands*; and CRS Report R42955, *Motorized Recreation on National Park Service Lands*).

Table 1. E-Bike Classification System

Class Type	Description
Class I	Equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour
Class II	Equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour
Class III	Equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour

Source: See Department of the Interior, Secretary's Order 3376, "Increasing Recreational Opportunities Through the Use of Electric Bikes," August 29, 2019. Similar classification language has been promulgated in regulations by certain federal agencies (see "Agency Regulations and Guidance").

Agency Regulations and Guidance

Department of the Interior. In August 2019, then-Secretary of the Interior David Bernhardt signed Secretary's Order 3376, "Increasing Recreational Opportunities Through the Use of Electric Bikes" (S.O. 3376). Among other purposes, the order directed certain Department of the Interior (DOI) bureaus—the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and Bureau of Reclamation (BOR)—to revise their regulations and add a definition for e-bikes consistent with 15 U.S.C. §2085 and to exempt e-bikes from the definition of motorized or off-road vehicles. The stated goal of this directive was to clarify the regulatory status of e-bikes across federal lands so as to "increase recreational opportunities for all Americans, especially those with physical limitations, and to encourage the enjoyment of lands and waters managed by the Department of the Interior."

In response to this directive, each of the aforementioned DOI bureaus promulgated regulations governing the use of e-bikes on lands under their jurisdiction (see 43 C.F.R. §8340.0-5 for BLM; 36 C.F.R. §§1.4 and 4.30(i) for NPS;

50 C.F.R. §27.31 for FWS; and 43 C.F.R. §420 for BOR). Although the finalized rules vary slightly across agencies, generally speaking, all of the regulations implement a number of similar policy changes that include

- Excluding e-bikes from agency definitions of motorized (e.g., NPS) or off-road (e.g., BLM, BOR) vehicles
- Allowing for the use of e-bikes, or certain classes of e-bikes, in a manner consistent with traditional bicycles, including (at the discretion of the authorized official) on nonmotorized roads and trails
- Prohibiting, to varying degrees, operators of Class II e-bikes from using the motor exclusively to propel the bicycle for an extended period of time without pedaling, except in locations open to motorized use
- Clarifying land managers' authority to limit or restrict e-bike use as needed under certain conditions or for certain reasons

Forest Service. Although not subject to S.O. 3376, in 2022, the Forest Service (FS) also finalized directives in its agency manuals that clarify how e-bikes are managed on national forests and grasslands (*Forest Service Manual* [FSM] 7700 and 7710). Similar to the DOI regulations, the FS policies classify e-bikes in accordance with the three-tiered system (see Table 1). However, unlike the DOI rules, the FS defines an e-bike as a type of motor vehicle. As a result, e-bikes are not permitted on nonmotorized trails and in nonmotorized areas unless their use is specifically designated. The policy requires that when considering whether to designate roads, trails, or areas for e-bike use, the “appropriate level of environmental analysis, including programmatic analyses, should be evaluated” (FSM 7715.5).

Recent Litigation and Policy Developments

In May 2022, the U.S. District Court for the District of Columbia issued an opinion finding that NPS had improperly relied on a categorical exclusion to comply with the National Environmental Policy Act (NEPA; 42 U.S.C. §§4321 et seq.) in issuing the agency's final rulemaking for the use of e-bikes in national parks (*Pub Emps. For Env't Responsibility v. Nat'l Park Serv. (PEER v. NPS)*, 605 F. Supp. 3d 28 (D.D.C. 2022)). The court remanded the rule to NPS and directed the agency to conduct additional NEPA analysis but left the rule in place pending completion of such analysis. In June 2023, NPS announced it was preparing a programmatic environmental assessment to evaluate the potential national-level impacts of e-bike usage in national parks.

Emerging Issues

As e-bikes become an increasingly popular means of recreation, Congress and federal land managers may continue to face a range of potential issues related to their use and impacts. These include issues related to possible environmental and resource degradation, safety concerns, infrastructure needs, and equity and access needs.

Proponents suggest e-bikes can decrease reliance on other motor vehicles, thereby reducing greenhouse gas emissions and improving air quality on federal lands. Other stakeholders have raised concerns regarding whether heavier, fast-moving e-bikes may cause erosion or damage to trails, many of which are already experiencing degradation due to high visitation and usage. A study conducted by the Federal Highway Administration (FHWA) looking at the potential impacts of e-bikes on public lands found limited literature or experimental studies examining whether there were any meaningful differences in the ecological impact of e-bikes compared with traditional bicycles (FHWA, “The Future of E-Bikes on Public Lands: How to Effectively Manage a Growing Trend,” Nov. 2022). Similarly, limited research is available regarding potential increased disturbances to wildlife as a result of e-bike usage.

E-bikes also have raised safety concerns among some users and land managers due in part to their high-speed capabilities. Possible issues could include increases in collisions and injury rates due to e-bikes sharing trails with pedestrians or other users, as well as increased severity of injuries. In addition, the potential for e-bikes to allow visitors to travel greater distances and access more remote areas could result in more complex and dangerous search and rescue efforts. Legislators or land managers may consider additional educational or regulatory safety measures to address these potential concerns. Alternatively, e-bikes also could serve as valuable emergency response vehicles and could assist search and rescue operations teams operating in remote areas.

As e-bike usage increases, consideration also may be given to whether or to what degree agencies should establish biking infrastructure within or around federal lands. This includes the potential addition of charging stations for e-bikes. Adding or expanding charging infrastructure for e-bikes may be considered within the context of agency budgetary constraints, whether such facilities can or should rely on certain renewable power sources, and concerns about encouraging e-bike use at areas already experiencing high visitation.

Similar to other recreational activities, e-bikes also can raise questions around equity and access to federal lands. On the one hand, e-bikes may increase access to public lands, particularly for individuals with mobility impairments or others who may find traditional bicycling or hiking challenging. However, given the high purchase and maintenance costs of e-bikes, personal bike ownership may be inaccessible to many individuals. This issue might become less pronounced should upfront costs drop in future years. In addition, agencies could consider installing or incorporating e-bikes into existing or future bikeshare systems.

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