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Comments: Thank you for finally addressing your outdated and unenforceable inconsistencies regarding ebikes on nonmotorized trails. The current Forest Service approach promotes a negativity against users of public land and injects scrutiny towards every person on a bicycle. The Forest Service has taken an aggressive stance against those who benefit from the assistance provided by an electric motor and they have put themselves in the position of gatekeeping public land in the same manner that a child would gatekeep their personal treehouse. 'No ebikes allowed' is the new 'no girls allowed'.

Secretary Bernhardt of The Department of Interior, which controls 75 percent of public land, made an order regarding ebikes (attached) last year. Here is what Secretary Bernhardt had to say regarding ebikes:

"While e-bikes are operable in the same manner as other types of bicycles and in many cases they appear virtually indistinguishable from other types of bicycles, the addition of a small motor has caused regulatory uncertainty regarding whether e-bikes should be treated in the same manner as other types of bicycles or, alternatively, considered to be motor vehicles. This uncertainty must be clarified. To resolve this uncertainty the Consumer Product Safety Act (Act) provides useful guidance. That Act defines a "low-speed electric bicycle" to include a "two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph", subjecting these low-speed e-bikes to the same consumer product regulations as other types of bicycles (15 U.S.C. § 2085). A majority of States have essentially followed this definition in some form.

Uncertainty about the regulatory status of e-bikes has led the Federal land management agencies to impose restrictive access policies treating e-bikes as motor vehicles, often inconsistent with State and local regulations for adjacent areas. The possibility that in some cases e-bikes can be propelled solely through power provided by the electric motor, a function often used in short duration by older or disabled riders as an assist, has contributed to confusion about e-bike classification. Further, Federal regulation has not been consistent across the Department and has served to decrease access to Federally owned lands by e-bike riders."

The Department of Interior rightly acknowledged that as a part of the Federal Government it was in their best interest to follow the directive of Congress and to create a consistent approach across the Department of Interior lands. The idea is that a consistent approach allows for the courts to clearly enforce rules. Inconsistencies allow for authoritarian agency leaders to inject their own personal restrictions on the citizens, but they would fall apart in court. Anywhere there are legal ambiguities, the presiding Judge would be obligated to side with the citizen, and the agency would expose themselves to a lawsuit.

As a person who operates in the court of law, I welcome any approach the Forest Service might make that continues to treat ebikes as motor vehicles. The opportunities to push through lawsuits on this front are endless. Notable Forest Service employees like Linda Merigliano of the Bridger Teton, are pushing for tight controls over the citizen on an ebike agency wide. This approach would shield her as the Bridger Teton likely intends to continue an illegal and authoritarian approach to ebikes. These types of ignorant and authoritarian agency representatives expose the Forest Service to a parade of lawsuits for what is most likely an ego boost that they get from kicking out and holding down users that they do not identify with nor understand. In addition to correcting the stance of the Department of Agriculture regarding ebikes, my hope is that the Forest Service will take a long hard look at who it puts in charge of agencies, and root out any old blood that refuses to adapt to a changing climate of users. Firing members of the Forest Service like Linda Merigliano should be on the table, but I

bet an education process should be considered first and foremost.

While I in general support the inclusion of all ebikes to be treated as bicycles, there is some noticeable exceptions where they are distinguishable differences. There are ebikes that are so heavy that they become difficult to maneuver on singletrack. This lack of maneuverability makes the user unable or unlikely to remove the device from the trail when a pedestrian, horserider, or uphill cyclist are present. The reality is that an ebike rider is obligated to yield to all other user groups and non electric bicycles should be included as a user group the ebicyclists should yield for. If a rider is expected to move their ebikes off the trail by lifting it up, then they are most likely to choose one of a lighter weight ebikes that allow for easy removal from the trail. Speed limit and wattage is an impossible thing to measure accurately, but a law enforcement agent would easily be able to test if a rider was able to yield their ebike under their own strength. This approach of mandating proper behavior allows for safer use of public lands by all people regardless of what method of travel they choose, while avoiding any unnecessary restrictions on types of ebikes which would limit access to public lands, and put the Forest Service in a legally precarious position.