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Comments: Comments on FSM 7700 and 7710 E-bikes #ORMS-2619

I fully support changes to the National Forest Service regulations in order to allow increased access of eBike riders to trails on public lands managed by the National Forest Service or their concessionaires. The current Travel Management Rules that treats all eBikes as motorized vehicles and prohibits their use on non-motorized trails is inconsistent with Federal laws defining low speed electric bicycles. It starkly contrasts with new policies enacted on other federal lands managed under Department of Interior agencies, including the National Park Service, Bureau of Land Management, Fish and Wildlife Service, and Bureau of Reclamation. At the very least, bicycles that meet the criteria of Class 1 low speed pedal-assist electric bicycles (or eBikes with no throttle, maximum of 750 Watt (or 1 hp) assist, and maximum assisted speed of 20 mph) should be regulated the same as conventional bicycles and allowed on trails where bicycles are permitted.

Bicycles with electric motors under 750 watts (1hp) which are limited to assisted speeds of 20 mph (Class 1) or 28 mph (Class 3) and which are propelled by a combination of rider pedaling with the motor providing assistance should be regulated as bicycles and not as other motorized vehicles such as mopeds, motorcycles, or ATV's. Their operation should be permitted on any trails, paths, roads, & lands, where conventional bicycles are allowed.

Current Forest Service rules that classify these bicycles as motor vehicles fails to consider that these bikes are not "self-propelled", as they must be pedaled by the rider and do not operate with a throttle as motor vehicles do. They do not exceed speeds attainable by a fit rider on a conventional bicycle. They do not cause more trail surface damage than conventional mountain bikes. They are quiet and do not introduce combustion by-products to areas in which they ride. They have considerably less impact on trails than equestrian traffic on many non-motorized trails.

The 2002 US House Bill 727 identifies that "...For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.

Section 38(b) defines low speed electric bicycles as " 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.

While the federal law applies to both Class 1 and 2 eBikes, Class 1 eBikes cannot be powered solely by a motor, but require the operator to pedal in order to propel the bike on level surfaces or uphill.

Though the federal law applies to consumer protection and safety, it is completely inconsistent of the Forest Service to define Class 1 eBikes as motorized vehicles and regulate them in the same class as motorcycles, mopeds, ATV's, side-by-sides, and other off road vehicles that fall under federal definition of motor vehicles for consumer protection and safety purposes.

Many mainstream bicycle manufacturers now produce pedal assist eBikes as environmentally friendly transportation and recreation options. A bicycle rider on an eBike appropriate for the terrain can safely coexist on roads, bike paths, mountain bike trails, and multi-use trails with other cyclists, hikers, horseback riders and other vehicles.

Conventional bicyclists can achieve or exceed the maximum electric-assisted speeds of which riders pedal assist electric bicycles are capable. However steep or sustained climbs can be ridden with less exertion and by older or less experienced cyclists, or those with physical limitations. This encourages environmentally friendly access to bicycle trails and paths by a larger segment of the population.

Reducing barriers to use of eBikes by treating them as non-motorized vehicles also has health benefits. Electric bikes used as transportation alternatives to gasoline powered vehicles help improve air quality. Significant health benefits are also conveyed by the exercise low power pedal assist bikes provide. All Class 1 eBikes with only pedal assist and no throttle require riders to pedal in order for the motor to amplify their efforts. Because the assist makes climbing hills or navigating rough or soft surfaces more achievable and enjoyable with less effort, eBikes encourage riders to go farther and ride more frequently. This is especially true for riders recovering from injury, experiencing physical limitations such as heart conditions, working to reduce weight, or are simply getting older. Forest Service regulations need to change Travel Management Rules to adapt to new, clean, healthy technologies in managing public lands it administers for recreation. Class 1 E-bikes should be allowed to use trails on which other bicycles are allowed as they are in most of the rest of the world, and as they increasingly are being allowed in other federal public lands.

My wife and I first rode electric pedal assist mountain bikes during a visit to the Alps in Bavaria and Austria in 2013. We were able to enjoy rides with our son and daughter-in-law who were recent college graduates and elite university Cross-Country ski athletes. With the electric pedal assist bikes, we were able to ride with these young, fit athletes on mountainous trails. These eBikes were relatively new in the market at that time. In 2019 we visited our children and grandchildren in Europe. Ebikes were very common on roads and mountain bike trails in all of the places we visited in Germany, Austria, and Italy. Riders of all ages enjoyed the use of these cycles, including families with young children who could easily pull child bike trailers or carry toddlers in bike seats. Many eBike riders were in their 60's or older.

I purchased a Class 1 fat tire pedal assist electric mountain bike with a 350 Watt pedal assist motor in January of 2018. I have ridden it over 3000 miles on trails in Alaska and the Yukon Territory in all seasons since then. I have ridden on multi-use trails on public lands, and I have not experienced any conflicts with other trail users. Most other cyclists I encounter do not even realize that I am not on a conventional bicycle unless I point it out or they inspect the bike closely. In Canada's Yukon Territory, Class 1 eBikes were permitted on all mountain bike and non motorized trails that I explored over several weeks of travel in 2018.

In my experience, low speed pedal assist eBikes cause no more impact to trails than conventional bicycles. In many cases, the low pressure fat tires on my eBike cause considerably less damage to trail surfaces than conventional mountain bikes, foot traffic, or pack animals or large wild ungulates like moose or caribou, especially on softer surfaces.

The National Forest Service needs to review and revise its Travel Management rules and directives and remove the classification of low speed electric bicycles as motor vehicles. At the very least, Class 1 pedal assist eBikes should be permitted on all trails open to traditional bicycles and mountain bikes. The "No ebikes" signs on Forest Service mountain bike trails need to be removed and the definition of non-motorized vehicles need to be updated.

I am 63 years old. I have enjoyed recreating in public lands for my entire adult life. I hope I can continue to enjoy exploring my national interest lands on my eBike for many years.