

Data Submitted (UTC 11): 10/5/2020 7:16:06 PM

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Comments: The USFS does not have legal authority to define e-bikes as "motor vehicles". The Consumer Product Safety Act of 2002 defines "a low-speed electric bicycle shall not be considered a motor vehicle", and the US Law 40 CFR § 85.1703 defines a "motor vehicle" must exceed 25mph under its own power. Therefore, it is legally indefensible for the USFS to redefine an e-bike as a motor vehicle due to the US Supreme Court "Chevron deference" ruling.

It is surprising that the USFS would even take on trying to update the past misguided regulations since they have never been enforced. To date, there hasn't been a single ticket issued to an e-biker by the USFS since the local offices know that the regulation is currently unconstitutional.

Presently, most states in the US permit Class 1 e-bikes on all state park trails open to analog mountain bikes. The USFS would be well advised to spend their time with directives acknowledging existing Federal laws by confirming Class 1 e-bikes as regular analog mountain bikes. This would be a more legally prudent course of action instead of opening the USFS up to protracted litigation in the Courts on legally untenable directives.