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Title:

Comments: How USFS can justify an exemption from "motorized vehicles" categorization of class 1 ebikes.

36 CFR § 212.1 defines a "motor vehicle" as "Any vehicle which is self-propelled", so class 1 and 3 ebikes, which must be pedaled like any other bike, are never self-propelled and are therefore NOT motor vehicles.

Federal Public Law 107-319 (Dec. 4, 2002) defines a "low-speed electric bicycle" 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." Therefore class 1 and 2 ebikes are "low speed electric vehicles".

It further states, "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."

So the Venn diagram overlap between the USFS regulation and federal law is: class 1 ebikes.

No further regulatory changes or environmental assessments are needed, just a clarification memorandum to the U.S. Forest Service Briefing Paper, "Classification of E-bikes Under the Travel Management Rule(TMR)" dated February 15, 2017. Append "E-bikes are motorized bicycles." to read "By federal law and USFS regulation, non-self propelled class 1 low speed electric bicycles are not motor vehicles".

I think that's all USFS has to do. Just say this was brought to your attention by public input during the comment period and then thoroughly reviewed by your legal department.

Remember, the administration may be about to change in January. Equestrians and conservationists will likely deluge the White House with letters asking for an ebike ban, based on the anti-ebike zeal shown in these letters. You need to be on strong legal and regulatory ground to prevent being directed to reverse your guidance to the public on ebikes, mere weeks after you issue it.

If you want a legal triple tap for the next administration, allow class 1s to people over 50 and people with disabilities only, so you are also covered by the Americans with Disabilities Act. Or use that as your fallback position to the administration.

Thank you for your time.