



peopleforbikes™

P.O. Box 2359 Boulder, CO 80306

PeopleForBikes.org / 303.449.4893

July 24, 2019

The Honorable David Bernhardt  
Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Bernhardt,

PeopleForBikes, the national advocacy group that works for better policies and infrastructure for bike riding, supports federal land management agency efforts to issue new guidance or regulations to manage electric bicycles. PeopleForBikes includes companies that manufacture or sell bicycles and related products, including electric bicycles; and more than 1.3 million individual supporters that support bicycling.

Our mission is to put more people on bikes more often and make every bike ride better for everyone. Electric bicycles are a natural extension of this work and have been a focus of ours for more than five years.

PeopleForBikes took the lead in 2014 to integrate e-bikes into the laws and policies of federal, state and local governments. An important objective of this work is to synchronize terms and policies across government entities so that access rules are easy for everyone to understand. Federal land management agencies are critical to this evolution, as many of the best biking experiences in the U.S. are on federal public lands.

### **Benefits of E-Bikes**

We believe that new rules for e-bikes can provide more Americans with opportunities to recreate, and provide commonsense solutions for pressing issues such as traffic congestion, parking, maintenance backlogs and emissions reduction.

More and more cyclists are using e-bikes, especially those who wish to continue riding a bicycle but are limited by age, disability or physical capacity, including aging people who bike and people who are just getting started. As a new recreation option, their use can bring the pleasure and freedom of bicycling to many more types of users and facilitate recreation for many new demographics.

There are many benefits of increasing commonsense e-bike policies on federal lands managed for recreation, that serve both park visitors and employees alike. E-bikes increase the types of people who have now have a chance to bike on public lands, as well as facilitate access to a broader range of facilities that might not have been appealing to visit by bike, but are more appealing by e-bike. More people can access places that are fully suited for recreation and visitation, but located further into parks, instead of concentrating around trailheads and visitor centers. This disperses use and can alert land managers to trail and road conditions in more remote areas of our public lands. Land managers also frequently report that e-bikes increase their visitor services capacities, ability to



carry heavier loads without the assistance of a motor vehicle, and accessibility to more remote parts of their units.

## Recommendations

As stated, PeopleForBikes supports federal land management agency efforts to issue new guidance or regulations to manage electric bicycles and remove electric bicycles from the scope of rules that apply to “motor vehicles.” PeopleForBikes does not support a blanket allowance of e-bikes on all non-motorized trails where bikes are allowed to travel. Specifically, we encourage:

- Allowing e-bike use on roadways (including in bicycle lanes) on federal lands.
- Permitting e-bikes use (or the use of particular classes of e-bikes if appropriate) on improved, bicycle or multi-use paths on federal lands where bicycles are allowed.
- Authorizing e-bike use (or the use of particular classes of e-bikes if appropriate) on fire roads or dirt roads that are open to bicycles but closed to motor vehicles.
- Creating new opportunities for Class 1 e-bikes (eMTBs) on non-motorized trails in consultation with local land managers and with careful planning, user education and involvement and local control.

We support local land management decisions regarding where e-bikes may be used on narrow, natural surface, or singletrack trails that are open to bicycles; and local authority to regulate, or even close, certain facilities to e-bikes if necessitated by concerns related to congestion, speed or other impacts. We believe that with local land manager engagement and oversight, e-bikes can be successfully integrated into many trail systems on federal lands.

Specific to Class 1 eMTBs, PeopleForBikes’ position is consistent with the International Mountain Bicycling Association’s position on electric mountain bikes, that Class 1 eMTB access to non-motorized trails is reasonable and appropriate when the responsible land management agency, in consultation with local mountain bikers, deem as much; and that Class 1 eMTBs can be managed in a sustainable way for both the environment and other trail users.

## Rationale

While e-bikes are federally regulated for the purposes of consumer product safety, e-bikes are not consistently defined or managed across federal land management agency policies, and most agencies regulate e-bikes generically as a motor vehicle. The lack of terms to define the different types of e-bikes on the market today is a major barrier to providing appropriate rules for their use, and creates confusion for land managers, public safety officials, consumers and retailers. The characteristics of e-bikes – a hybrid technology that combines human and motor power and closely mirrors traditional bicycles – necessitate policy changes so that land managers can effectively and logically integrate e-bikes into public lands.

E-bikes are not specifically defined in laws that govern the management of federal public lands, but they are defined in federal law for other purposes. Pursuant to 15 U.S.C. § 2085, electric bicycles are “consumer products,” subject to the same consumer product safety standards as bicycles. In practice, they are designed, equipped, look like, and ride much like traditional bicycles and are



easier to operate through the assistance of a small electric motor that is activated only when pedaling. They are explicitly not “motor vehicles” subject to motor vehicle safety standards pursuant to 49 U.S.C. § 30102. While there has been some confusion on the issue of how far these statute reach, this federal law has no bearing on land management agencies.

The classification of e-bikes within motor vehicle terms is proving increasingly problematic for land managers and users. Zion National Park provides an example. Zion’s Superintendent’s Compendium specifically states that e-bikes are considered “motor vehicles” and therefore prohibited from areas where bicycles are allowed (bicycle paths and in Zion Canyon). However, realizing that e-bikes could not be safely operated in the Zion Tunnel with other motor vehicles, the Compendium also restricts access to the tunnel identically to bicycles.

As this example illustrates, the current policy framework for e-bikes leads to inconsistent rules for e-bikes and precludes logical policies regarding their access. E-bikes must be regulated similarly to bicycles in order to provide for their safe operation, but are currently precluded from this framework due to existing agency policies and interpretations. This problem persists in areas beyond Zion, where local officials are interested in aligning e-bike access closer to bicycle access, but are confined by existing interpretations of regulatory terms and limited guidance on best practices. As more state and local governments expand e-bike access, federal policies are also becoming increasingly out of step with policies in the communities that surround them.

### **Three Classes of E-Bikes**

Recognizing confusion around e-bike technology and definitions, U.S. e-bike manufacturers agreed to recognize three classes of e-bikes to regulate critical issues around e-bike speed, wattage, and motor engagement; create consistency with the three main forms of product that are currently on the marketplace and within the federal Consumer Product Safety Commission definition of an electric bicycle; and allow for distinct regulation of different classes of e-bikes on recreational trails. E-bikes sold in the U.S. are labeled according to these class designations and 22 states have codified this system into their traffic statutes with few issues (and with more states on the way). These three classes are as follows:

- Class 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.
- Class 2: Bicycle equipped with a throttle-actuated motor that ceases to provide assistance when the e-bike reaches 20 mph.
- Class 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph.

In states that codified the three classes of e-bikes, many state land management agencies have updated their regulations to allow Class 1 eMTBs where bikes are allowed to travel. Land managers appreciate that the three classes of e-bikes allow them flexibility to designate various classes depending on the facility and local conditions. Notable examples include Arkansas State Parks, Colorado State Parks, Pennsylvania State Forests and Wyoming State Parks.



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### Impacts to Trails from eMTB Use

In terms of environmental and social impacts, studies show that Class 1 eMTBs have similar impacts to natural surface trails as traditional mountain bikes. The desired experience of a Class 1 eMTB rider is very similar to that of a traditional mountain biker. The social impacts of eMTBs are still being studied, but these studies show that users did not know they were sharing the trail with eMTBs even though eMTBs were on the trail they had been using. Data from state and local agencies show that e-bikes can be managed sustainably from both environmental and social perspectives.<sup>1</sup>

We understand that any policy or regulatory updates need to be data-driven and rooted in science and thorough evaluation and an acknowledgement that land use patterns and desired experiences are constantly shifting. We support continued research and expanded pilot projects, notably on the Tahoe National Forest. These lessons will serve the entire recreation management community by informing the environmental and social impacts of Class 1 eMTBs.

Thank you for your consideration of our e-bike expertise, concerns and priorities, and for the Department of Interior's ongoing partnership with interested stakeholder groups.

Sincerely,

Morgan Lommele  
Director of State + Local Policy  
PeopleForBikes Coalition  
P.O. Box 2359  
Boulder, CO 80306  
morgan@peopleforbikes.org  
720.470.2981

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<sup>1</sup> <https://peopleforbikes.org/our-work/e-bikes/for-land-managers/>