



December 9, 2019

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Perdue,

Our National Forests are some of our nation's greatest treasures, providing visitors access to not only some of our nation's most magnificent vistas but unrivaled outdoor recreational opportunities. As Governors, we know firsthand the importance of striking the right balance between conservation and outdoor recreation and why doing so deliberately has to be a top priority to ensure that future generations have access to the same opportunities.

We write to you today regarding the topic of E-assist bikes. These next-generation bicycles present an undeniable opportunity to extend access to outdoor recreational opportunities for millions of Americans. To fully realize these opportunities, we are writing today to urge the National Forest Service to recognize these technological advancements and establish a definition of E-bikes in federal law to match the regulatory environment in the states home to many of our National Forests.

Bicycles have long been a cherished method of enjoying the natural beauty of our National Forests. Over time, innovation has led to advancement in design and mechanical efficiency, ultimately extending recreational opportunities for a greater number of individuals. In recent years, these advancements in design have included a small electric motor on some bicycles that supplements the rider's own pedaling. This has caused uncertainty as to whether they should be treated similarly to other bicycles or be considered motor vehicles.

To date, 39 states have recognized that E-assist bikes are not motor vehicles, but a new iteration of bicycle that represents an opportunity for more users of different abilities to access the great outdoors. Furthermore, 22 of those states have established a clear three-class regulatory framework that creates defined characteristics and capabilities among various classes of E-assist bikes—enabling land managers on the local, county, and state levels to integrate them into public lands.

On August 29th, Interior Secretary Bernhardt issued [Order 3376](#) aimed at simplifying and clarifying the regulatory framework, and increasing recreational opportunities through the use of E-assist bikes on federal lands managed by the Department. The Order not only correctly

recognized the changing regulatory environment regarding E-assist bikes in the majority of states, but also noted the 2002 amendment to the Consumer Product Safety Act (15 U.S.C. § 2085), which provided that E-assist bikes are not motor vehicles, but rather “low-speed electric bicycles.”

Therefore, we, the undersigned Governors, urge you to instruct the National Forest Service to remove electric assist bicycles from the scope of rules applicable to “motor vehicles” and align those rules with the definition used by 22 states and the Department of Interior to define E-assist bikes as “low-speed electric bicycles” as defined by 15 U.S.C. § 2085 and falling within the following three classifications:

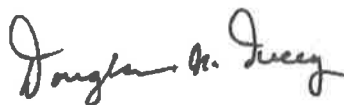
1. "Class 1 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
2. "Class 2 electric bicycle" shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and
3. "Class 3 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

With this simple change, our states will realize an invaluable opportunity to extend access to some of our nation’s most magnificent vistas and with it unrivaled outdoor recreation opportunities for millions of Americans of different abilities.

Sincerely,



Governor Chris Sununu
State of New Hampshire



Governor Doug Ducey
State of Arizona