1975 WL 342714 (D.O.T.)

Department of Transportation (D.O.T.)

Federal Aviation Administration

Legal Interpretation

Interpretation 1975-12
March 25, 1975

Mark S. Dodge

***1** This is in response to your letter inquiring about the Federal Aviation Administration's position concerning hang gliders. You may find the enclosed Advisory Circular helpful in defining the FAA's position.

As indicated by your research, there are no Federal Aviation Regulations with respect to hang gliders. Hang gliders are not registered with the FAA and we do not require that a pilot certificate of any type be held by those persons engaging in such activity. The FAA has not defined the term hang gliders and has not undertaken to include hang gliders within its regulatory scheme.

For your further information, Section 1.1 of the Federal Aviation Regulations defines the term aircraft as "a device that is used or intended to be used for flight in the air." It would appear that this definition of aircraft could be interpreted as being broad enough to include hang gliders.

You indicate in your letter that the accident occurred while the vehicle was being towed by an automobile. You do not indicate whether or not the vehicle was capable of sustained flight with the tow rope or cable disengaged. The FAA does have regulations governing the operation of vehicles designed to be flown at the end of a rope or cable. Such vehicles are designated "Kites."

Section 1.1 of the Federal Aviation Regulations defines a Kite as "a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past its surfaces." Section 91.1 specifically excludes Kites from the rules governing the operation of aircraft within the United States. Part 101 of the Federal Aviation Regulations prescribes rules governing the operation of kites.

The foregoing indicates that the vehicle involved may have been a kite in as much as it was being flown at the end of a rope or cable. While there has been no specific determination by the FAA that a kite is or is not an aircraft, there are specific rules governing the operation of kites contained within the Federal Aviation Regulations.

Ned K. Zartman
Regional Counsel

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