U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

April 2, 2006

Ms. Barbara E. Parisi
Regulatory Affairs Division
Office of the Chief Counsel
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Ms. Parisi:

This letter responds to your February 9, 2006, request regarding confirmation of the Federal Aviation Administration's (FAA) regulatory jurisdiction over motorized paragliders.

The FAA's general authority to regulate aircraft is set forth in § 44701 of Title 49, United States Code. That section states, in pertinent part, that:

> The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing —
> (1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;
> (2) regulations and minimum standards in the interest of safety for—
> (A) inspecting, servicing and overhauling aircraft, aircraft engines, propellers and appliances;

Paragraph (a)(5) of that section further states that the Administrator shall prescribe "regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security."

To carry out this mandate the FAA has issued regulations in Title 14, Code of Federal Regulations (14 CFR). Part 91 of that title prescribes rules governing the operation of aircraft within the United States and its coastal waters. The FAA, in § 1.1 of 14 CFR, broadly defines an aircraft as "a device that is used or intended to be used in flight in the air."

The FAA, however, has excepted the operation of ultralight vehicles from Part 91 under the provisions of § 91.1(a). The agency regulates the operation of ultralight vehicles in Part 103 of 14 CFR. Section 103.1 of that part specifically defines an ultralight vehicle as a vehicle that:

> (a) Is used or intended to be used for manned operation in the air by a single occupant;
> (b) Is used or intended to be used for recreation or sport purposes only;
> (c) Does not have any U.S. or foreign airworthiness certificate; and
> (d) If unpowered, weighs less than 155 pounds; or
> (e) If powered:

(1) Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;
(2) Has a fuel capacity not exceeding 5 U.S. gallons;
(3) Is not capable of more than 55 knots calibrated airspeed at full power in level flight; and
(4) Has a power-off stalling speed which does not exceed 24 knots calibrated airspeed.

The operation of a motorized paraglider is therefore subject to the regulatory jurisdiction of the FAA. A motorized paraglider that meets the definition of an ultralight vehicle is subject to the requirements of part 103. If the motorized paraglider does not meet the parameters for an ultralight vehicle as specified in § 103.1 its operation is subject to regulation under part 91 and other applicable regulations.

If you have any further questions please contact Mr. Paul Greer of my staff at (202) 267-7930.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel, Regulations