

**Proposal for Rule Change  
Oregon Department of Aviation  
Definition of Aircraft 836.005**

**And:**

**Petition to set aside shore as a landing field.**

**ORS: 836.515**

Proposal presented on July 19<sup>th</sup> 2012, by Brad Hill as representative of Discover Paragliding, the United States Hang Gliding and Paragliding Association (USHPA), and the United States Powered Paragliding Association (USPPA).

**Proposed Definition Change:**

**ORS 836.005**

(2) "Aircraft" means any contrivance used or designed for navigation of or flight in the air, but does not mean a one-person motorless glider that is launched from the earth's surface solely by the operator's power.

Pasted from <<http://www.oregonlaws.org/ors/836.005>>

**Proposed Revised Definition:**

**ORS 836.005**

(2) "Aircraft" means any contrivance used or designed for navigation of or flight in the air, excepting ultralight vehicles as defined by Federal Aviation Regulations Part 103.1

## Reasoning:

Hang gliding is a sport that has been around since the early 1970's, and Paragliding began in the late 1980's as a result of mountaineers looking for a better way down off the mountain they had just climbed.

Both sports began as exclusively single place vehicles, with foot launching as their primary means of getting airborne. Evolution was quick as we learned that tandem flight was possible and created an exceptional learning environment. The same occurred with tow launched, and then eventually powered flight.

Today, it is common practice in both sports to fly tandem, launch via a ground based tow vehicle, or an ultralight trike tug for Hang gliders. It is also common practice to attach a power plant of various types, using the guidelines of FAR Part 103, to get airborne and sustain flight.

The current definition of Aircraft, combined with ORS 836.510, effectively prohibits any of these common activities in Hang Gliding and Paragliding. The Oregon State Parks and the Ocean Shores Commission have repeatedly stated that they have no wish or interest in curtailing our activities, but the conflict in the regulations does give them cause for concern.

The only issues concerning the State Parks right now involve powered flight, or more specifically, landing a powered glider on the shore. Prior to the summer of 2011, powered flight was welcomed on the shores, but during that summer a series of incidents occurred (from a traveling powered paragliding instructor/school) that required the parks department to take action and restrict powered flight on the shores until a satisfactory solution could be developed.

Discover Paragliding has since been working with the Parks and Ocean Shores department to develop a program to allow powered flight on the shores again, as well as continue to allow tandem and tow launched flight. But the conflict existing in ORS 836.005 is an ongoing concern for the parks department.

# Petition for two landing areas on the Ocean Shore

At this time, we would also like to initiate a petition to set aside two stretches of shoreline for the purposes of launching, landing and training Powered Paragliders. There would be relatively minimal use, but we would very much like to restore some of the ease of flight that is afforded by the stable laminar air that is common only along the shoreline.

The proposed locations are:

- From the southern boundary of Camp Rilea to a point 1 mile north of the northern boundary of Camp Rilea.
- The beach area directly adjacent to and confined within the boundaries Sand Lake Recreation area

Both of these areas have little to no resident population, and are bordering an environment where the use of a powered ultralight vehicle would not be an intrusive factor. Both areas also currently allow motor vehicles on the beach.

Unlike any other aircraft or ultralight vehicle, powered paragliders need only a small area to launch and land. Typical take off runs are normally less than 20 feet, and landings normally require less than 5 feet, with single point touch downs being common.

Also, unlike any other aircraft or ultralight vehicle, powered paragliders typically require a smooth and laminar airflow for safe launches, landings and stable flight. When restricted to inland flying sites, they are commonly required to commence operations at or near sunrise and complete operations prior to development of significant turbulence. (Near sunset flights are also possible.) The ocean shore allows flight times that are much more amenable to the acoustic sensibilities of the general public.

The large size of the requested area in the vicinity of Camp Rilea has to do with the varying nature of the use of the beach by the military reservation. While the preferred operations location would be within the confines of their boundaries, their use and frequent closure of various sections of beach would suggest that there be an area allocated that is large enough to work around their requirements.

The size of the designated area at Sand Lake would allow variation of the landing zone to suit the location of the daily users, without restricting access to any specific location.



## **836.510**

### **Use of certain ocean beaches as landing fields**

Except as permitted under ORS [836.520 \(Action on petition\)](#), no person shall use for a landing field for aircraft any part of the Oregon shore of the Pacific Ocean between high and low tide, commonly known as the beach, and which by law has been made a state recreation area, except for an emergency.

[Formerly [492.780 \[bad link\]](#)]

## **836.515<sup>1</sup>**

### **Petition to set aside shore as landing field**

Any person, municipality or municipal corporation desiring to use for a landing field for aircraft any part of the Oregon shore of the Pacific Ocean described in ORS [836.510 \(Use of certain ocean beaches as landing fields\)](#) shall petition the State Aviation Board to set aside and designate a particular area of the shore for a landing field for aircraft. The petition shall clearly describe the area sought for such purpose and shall contain information giving the type and number of aircraft which will use such field, the extent to which and the purpose for which such field shall be so used, together with such other information as the board may require. Before the petition is filed with the board it shall be approved in writing by the Oregon Department of Aviation. [Formerly [492.790 \[bad link\]](#)]

## **836.520<sup>1</sup>**

### **Action on petition**

- **Order setting aside area for landing field**
- **User permits**
- **Revocation of order or permit**

The State Aviation Board shall give due consideration to each petition submitted under ORS [836.515 \(Petition to set aside shore as landing field\)](#), and may in its discretion order a public hearing in the vicinity in which it is proposed to establish the landing field, at which hearing all persons interested may appear and be heard. If after due consideration the board is of the opinion that the best interests of the general public will be served by granting the petition, an order may be made which shall be entered in the minutes of the board. The order shall provide that the described area shall be set aside as a landing field for aircraft and the order may authorize the issuance of a permit to the applicant to use the field for said purpose. The permit shall contain such conditions and safeguards with respect to policing and other matters incident to the public welfare as the board deems proper for the safety of the general public. The board may, for a violation of any of the terms or conditions of the permit, recall and cancel the same. The board may in its discretion vacate the order setting aside the area for a landing field whenever in the judgment of the board the interests of the general public warrant such action.

# State Parks Revised Division 21 Rules

(Estimated effective date: October 2012)

## 736-021-0060

### Motor Vehicles and Other Motorized Devices

#### Other Vehicle Provisions

- (1) A person may take off or land on the ocean shore in a powered aircraft, airborne vehicle or other aircraft:
  - (a) In an emergency, or
  - (b) As authorized in a special-use permit from the department as provided in OAR 736-016.

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.668 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94; PR 12-1996, f. 12-23-96, cert. ef. 12-26-96

## 736-021-0065

### Non-Motorized Vehicles, Cycles, Unpowered Aircraft, Sails and Other Similar Devices

- (1) A person may operate a bicycle, skateboard, scooter, rollerblades or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land, as provided in section (3).
- (2) A person may operate a wind-powered aircraft or vehicle, such as a land sail, kite-buggy or other similar items on the ocean shore state recreation area as provided in section (3).
- (3) A person operating any vehicle described in sections (1) or (2) on the ocean shore state recreation area must:
  - (a) Observe all posted signs, including the signs that restrict the operation of such vehicles, aircrafts and devices, and
  - (b) Restrict speed and manner of operation to reasonable and prudent practice considering the terrain, prevailing
- (4) conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore state recreation
- (5) area users, natural resources, and wildlife.
- (2) A person operating any vehicle described in sections (1) or (2) on the ocean shore state recreation area may not:
  - (a) Disturb or harass wildlife or other natural resources as provided in OAR 736-021-0090; or
  - (b) Block access, use, or the safe and uninterrupted passage of others on the ocean shore state recreation area.

# **FAR Part 103**

## **Sec. 103.1 Applicability.**

This part prescribes rules governing the operation of ultralight vehicles in the United States. For the purposes of this part, an ultralight vehicle is 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 stall speed which does not exceed 24 knots calibrated airspeed.

## **FAA Exemption #4721M [Tandem Flight Exemption]**

[This] exemption to § 103.1(a) and (b) of Title 14, Code of Federal Regulations allows USHPA to operate unpowered ultralight vehicles (hang gliders) weighing less than 155 pounds, with another occupant, for the purpose of sport, training, or recreation.

### **Conditions and Limitations**

1. Each operation must comply with all sections of Part 103, except § 103.1 (a).
2. For training purposes, this exemption applies only to flights for the purpose of giving instruction in two-place unpowered ultralight vehicles from USHPA-approved launch sites.
3. Both occupants on all two-place training flights must possess a current pilot rating issued by the USHPA and at least one occupant must possess a current USHPA instructor rating.
4. Prior to all two-occupant training flights, the student must be informed that the flight is conducted under an exemption granted by the FAA and that the ultralight vehicle does not meet aircraft certification standards set forth by the FAA.
5. Both occupants on all two-place flights, other than for training purposes, must possess a current pilot rating issued by the USHPA and at least one occupant must possess a current advanced hang glider rating issued by the USHPA.
6. For identification purposes, the USHPA shall issue an individual authorization to each person

allowed to conduct operations under this exemption. Each authorization shall include an identification number and a copy of this exemption. The USHPA shall also have a procedure to rescind this authority when needed.

7. Each individual who operates an ultralight vehicle under the authority of this exemption must be familiar with the provisions contained herein and must have in his or her personal possession a copy of the authorization issued by the USHPA and a copy of this exemption. These documents shall be presented for inspection upon request by the FAA.

[This] extends the termination date of Exemption No. 4721, as amended, to October 31, 2014, unless sooner superseded or rescinded.

Sincerely,

John S. Duncan  
Deputy Director, Flight Standards Service  
Issued in Washington, D.C. on June 2, 2012

## **State Parks Contacts:**

Calum Stevenson  
Ocean Shores Natural Resource Specialist  
1-541-888-9324

Tony Stein  
North Coast Land Use Coordinator  
1-541-265-9871

Claudia Ciobanu, Senior Policy Advisor  
Oregon Parks & Recreation Department  
1-503-986-0635

## **Additional Information:**

**Brad Hill** is co-owner of Discover Paragliding, with his wife Maren Ludwig. Discover Paragliding has been teaching paragliding via solo and tandem training methods since 1995, and has been at their current location on Sunset Beach, Oregon since approximately 2002. They have passed all procedural and safety inspections from the local sheriff's office, to the state parks, to a complete operations inspection by the FAA of their paraglider towing activities.

Brad has been flying Paragliders since 1992 and is a Master Tandem Instructor, and is also a Tandem, Instructor and Towing administrator with the USHPA. He is also a Tandem Instructor and Administrator for the USPPA.

**Paragliding** first started in Oregon around 1989, with the first pilots bringing home this new sport from Europe. Since then, it has grown to become a large group of internationally connected pilots. There are over 150 active pilots in the Portland area alone, with many thousands scattered throughout the United States.

**Paraglider Towing** First became popular in the middle 1990's, and has since become one of the premier methods for training and launching tandem pilots into the air.

**Two place (tandem) flight** is permitted via exemption 4721 to FAR Part 103.1. This is a bi-annually renewed exemption and is currently scheduled to expire on October 31, 2014.

**For Further Information please contact Brad Hill at:**

**Discover Paragliding  
PO Box 638  
Warrenton, OR 97146  
503-861-2772  
[www.DiscoverParagliding.com](http://www.DiscoverParagliding.com)**

