



June 14, 2005

U.S. Department of Transportation
Docket Management System
400 7th Street, S.W.
Room PL 401
Washington, DC 20591-0001

Re: Petition for Rulemaking

Dear Sir or Madam:

In accordance with the provisions of 14 CFR Part 11, the United States Ultralight Association, Inc. ("USUA") hereby submits this Petition for Rulemaking and requests that the provisions of 14 CFR §§ 21.191, 61.329, 61.431, and 91.319 be amended as detailed herein. In support of this Petition for Rulemaking, the following information is submitted:

1. The name, mailing address and other contact information for the petitioning organization is:

United States Ultralight Association, Inc.
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USUA is the nation's largest ultralight flying association. USUA is a non-profit corporation with over 5,500 members nationwide. USUA's members are individuals who operate ultralight vehicles and light-sport aircraft.

2. An explanation of the proposed action and its purpose is as follows:

USUA requests a two year extension to the dates detailed in the Sport Pilot rule regarding the allowable time for transitioning ultralight pilots and instructors into Sport Pilot, and ultralight vehicles into Light Sport Aircraft. Extending these time periods will also

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necessitate an extension of the two seat training exemptions, allowing industry instructors to continue to train and register ultralight pilots and instructors throughout the extended period. The extension of these exemptions is as critical to transitioning current ultralight pilots as to those yet to come. This additional time is necessary to allow the industry sufficient time to develop to the point where it can take advantage of the benefits of the Sport Pilot rule.

3. USUA proposes the following specific changes to the regulations pertaining to Sport Pilot.

a.) 14 CFR §21.191. The deadline by which “fat” ultralights and “two-place” ultralight trainers must be registered as Experimental-Light Sport Aircraft is contained in 14 CFR §21.191. The current deadline is January 31, 2008. USUA proposes that the date “January 31, 2008” in 14 CFR §21.191(i)(1) be changed to “January 31, 2010.”

b.) 14 CFR §61.329. The deadline for an ultralight pilot to take the sport pilot practical test if the pilot wants previous ultralight flight time to count toward the required sport pilot flight experience is contained in 14 CFR §61.329. The current deadline is January 31, 2007. USUA proposes that the date “January 31, 2007” in 14 CFR §61.329(a)(1)(i) be changed to “January 31, 2009.”

c.) 14 CFR §61.431. The deadline for an ultralight instructor to take the practical test for sport pilot instructor and still receive credit for previous ultralight instructing experience is January 31, 2008. USUA proposes that the date “January 31, 2008” in 14 CFR §61.431 be changed to “January 31, 2010.”

d.) 14 CFR §91.319. The date existing ELSA trainers can be used for compensation, or for hire expires January 31, 2010. USUA proposes that the date “January 31, 2010” in 14 CFR §91.319 be changed to “January 31, 2012.”

e.) USUA also notes that the FAA-issued ultralight training exemptions authorizing the use of 2-seat ultralights for training expire January 31, 2008. USUA believes that the changes requested in this Petition for Rulemaking will necessitate the extension of these exemptions beyond that date. Although that deadline is not in the regulations, USUA believes that it is necessary to bring the issue to FAA’s attention. USUA proposes that the exemptions be reissued with expiration dates of January 31, 2010.

4. USUA believes that the proposed amendments are in the public interest. The preamble to the final rule lists a number of improvements that that are expected to result from the Sport Pilot rule. For example, it is expected to “increase safety in the light-sport aircraft community....” USUA is concerned that the full benefit of the Sport Pilot rule will not be achieved within the time limits set forth in the final rule.



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The purpose of this petition is to request the additional time that will be required to achieve those results. USUA believes that it is in the public interest for FAA to allow as much additional time as is necessary to achieve the projected benefits of Sport Pilot/Light Sport Aircraft.

5. In support of the proposed rulemaking, the following Information is submitted.

USUA believes that the success of Sport Pilot is paramount. It has provided US pilots the opportunity to realize their dream of flight on different levels. It has provided a way in which pilots of the "Fat Ultralight" can fly their existing aircraft, and still maintain the high standards of safety that both USUA and FAA require. FAA deserves high praise for having had the presence of mind and spirit to envision and implement such a program. This program offers so much to the American sport aviation enthusiast, that it cannot be allowed to falter or fail.

However, USUA is concerned that the necessary elements of the transition to Sport Pilot/Light Sport Aircraft is occurring more slowly than anticipated. At this time, there appears to be: (1) a shortage of qualified pilot and instructor examiner candidates; (2) a shortage of existing aircraft instructors and examiners transitioning into Sport Pilot/Light Sport Aircraft; (3) a shortage of existing ultralight instructors transitioning into SP/LSA; (4) a shortage of manufacturers of representative ultralights meeting SLSA standards; and (5) a shortage of qualified LSA mechanics, repairmen, and DARs. USUA believes that by changing the timeframe in which certain key elements of the ultralight to Sport Pilot transition occur, more participation can be achieved with less effort, and it can benefit all segments of the industry.

Ultralights had been in production in the US for more than twenty years, and had grown in popularity throughout this time. One drawback to the single-seat ultralight was the difficulty in acquiring flight instruction for new participants in the sport. The two-seat training exemption and two-seat ultralights were created to allow optimum training for the ultralight pilot. However, after being trained in a two-seater, many ultralight pilots found that there was an additional advantage of being able to fly with another person. This was so appealing, that ultralight manufacturers soon found that their most popular product was the two-seater.

Single-seat vehicles themselves were growing as well. From the single seat Part 103 vehicle evolved a safer machine-capable of flying slightly faster and over longer distances while providing a great deal of enjoyment for those who chose to fly them. Additionally, engine technology and manufacture has evolved, replacing original design powerplants with more efficient, larger engines. Unfortunately, these ultralight type vehicles were creating a new class of aircraft, that FAA felt required more regulation and certification. The ultralight community affectionately called them "Fat Ultralights." They were too big to be an ultralight, and in many cases inappropriate for the experimental class. They would become Light Sport Aircraft. Because of their less complex nature, the people who flew them were prime candidates for the new program called Sport Pilot.



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When Sport Pilot/Light Sport Aircraft was still in the conceptual stages, FAA turned to the ultralight community for guidance in creating this new rule. The Sport Pilot rule was designed to help the ultralight community by providing a mechanism for ultralighters to legally fly the aircraft currently being used as trainers, as well as the fleet of heavier aircraft that had been evolved from the original ultralights. USUA was very pleased to be a part of the formative stages of this ground-breaking rule known as Sport Pilot. It is in this spirit of overall support and concern that USUA respectfully petitions FAA to change the timelines associated with ultralighters transitioning into this new area.

The SP/LSA process officially began September 1, 2004, but has been progressing slowly, since that time. We are concerned that the original timeframe detailed in the SP rule did not provide adequate time to allow for the immense amount of time and effort needed to bring about the required changes to existing FAA infrastructure, and the creation of examiners, flight instructors, mechanics, and airworthiness representatives specific to SP/LSA. Because of the groundbreaking nature and concept of SP, more work and specific tasking is required to bring the program into successful fruition. If any part of this equation is missing, or slow to develop, the entire program will suffer. And, it does appear that several pieces of this equation are indeed progressing much slower than anticipated.

It has been reported to USUA that the number of qualified pilot and instructor examiner candidates is dwindling, and that their scheduled classes are in jeopardy of being cancelled. This situation will lead to a deficit in authorized instructors and examiners needed to create sport pilots. Even under the best of circumstances, the initial cadre of SP Examiners and Instructor Examiners would only result in a handful of individuals qualified to undertake the task of creating the 15,000+- Sport Pilots from the existing ultralight community. The main problem prohibiting the applicants from attending the Examiner courses is reportedly the failure by the candidates to have taken the CFI test. By extending the amount of time allowed before the transitioning period expires, the Examiner applicants would have enough time to prepare for the course, including the successful completion of the SP CFI knowledge test, thereby filling the classes, and creating the pool of Examiners needed to begin the process.

While existing airplane instructors and examiners are already functioning well in general aviation, they have been reportedly slow in transitioning into SP training and testing. Many current CFIs are simply not interested in becoming involved in SP/LSA. Also, because of the inclusion of new-to-FAA aircraft types such as powered parachutes and weightshift trikes, there is a need for type specific instructors and examiners in these aircraft to transition directly from their ultralight heritage. These transitioning instructors will also be tasked with providing not only SP flight instruction, but also with ultralight flight instruction. To insure that the tremendously safe ultralight training record continues, it is all-important that these qualified individuals be allowed to continue flight instructing. This can be achieved by extending the cut-off dates for transitioning ultralight instructors, their trainers, and the exemptions allowing them to train ultralight pilots while they themselves are transitioning into a SP flight instructor.



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These new ultralight pilots will also provide an even greater base from which SP can draw.

Additionally, within the ultralight community, existing dedicated ultralight instructors are concerned about the requirement to transition into SP flight instructors. Their primary concern is the lack of certified aircraft that will be available to them as trainers. The SP rule allows for the use of the existing fleet of ultralight trainers for compensation as Experimental Light Sport Aircraft (ELSA) trainers only until January 31, 2010. After that date, those aircraft will become unusable for this purpose. Subsequent instruction for compensation or hire must be given in a Special Light Sport Aircraft (SLSA). The availability of these SLSAs is seriously in question at this time. Since April of this year, less than ten aircraft have met certification requirements for Special Light Sport Aircraft. When polling the US distributors of these aircraft, there seems to be a mixed message regarding the projected availability over the next few years. Some US manufacturers who are close to certification, such as Rans Aircraft, speculate that their production schedule will only accommodate twelve +/- new SLSA aircraft per year. It is also reported that many of the newly created SP Examiners are unable to perform any examinations because of the lack of available certificated aircraft. This deficit has slowed down the process of making new Sport Pilots, and will only improve when more time is made available for the manufacturers to produce certified aircraft.

All of these existing SLSA, and those that are close to certification, border on the top end of the LSA definition; weighing close to 1300 pounds, and capable of speeds up to and exceeding 100 mph. They are primarily being imported from other countries. While these aircraft are exceptional in design and substance, they do not reflect the typical ultralight that a large number of current ultralight pilots are seeking to fly. Since FAA is expecting 15,000+- ultralight pilots and their airplanes to transition into the SP/LSA program, there is a great need for SLSA of similar design and nature to be certificated, produced and sold. These ultralight type aircraft have been, for the most part, designed and manufactured in the USA. They have been used as ultralight trainers for many years, or have evolved from basic ultralight designs. Their production has been limited to the available ultralight market, with the manufacturing techniques and procedures specific to that type of consumer. They take many forms and shapes, but have one thing in common. They are derived from ultralights. They feature, in many cases, open cockpit designs, fly low and slow in comparison the other LSA that are being certificated, and have great appeal to thousands of existing ultralight pilots. These types of aircraft are the ones that will fill the void in SP/LSA at the lower end of the LSA spectrum. These aircraft are also having the most difficulty in certification-not because of any design flaws or safety concerns, but because of the time and expense involved in meeting FAA timelines for certification.

The manufacturers of these aircraft are usually small business operations. They do not employ hundreds or thousands of employees, but are the type of small business and creative design facilities that have spawned the growth of larger operations. It is these types of operations that have been the backbone of the American ultralight industry.



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These manufacturers are in jeopardy of closing their doors. By allowing an extended timeframe for these manufacturers to produce a qualifying certificated LSA, there may be a way in which this part of traditional American ingenuity can compete, and be allowed to exist in today's aviation marketplace. Since these same manufacturers are the only source producing Part 103 ultralight vehicles, by allowing them an appropriate amount of time to produce the LSA side of their inventory, the future of safe ultralight aviation can be assured.

In order for any of the Experimental or Special Light Sport Aircraft to achieve airworthiness, each aircraft will need to be inspected and maintained by FAA authorized repairman and inspectors. Each repairman will be required to pass an FAA approved course. In order to perform inspections on a Light Sport Aircraft, a sixteen-hour course is required. As of this date, only two such courses are being offered, and they have just recently been announced. In order for an individual to hold the maintenance rating, they must complete a 100+ hour course. At this time, there are none of these courses being offered, and the likelihood of any such courses being developed in the near future is very low. These two ratings are critical to the success of SP/LSA. Until industry is able to provide the required training courses for maintenance and inspection, there will be a serious problem. Additionally, the need for Designated Airworthiness Representatives (DAR) is also critical. At this time, there are less than 10 nationwide. Adding experimental Amateur Built DARs to the list of those available will help but the need will be increased as time progresses. Additional time is needed to train qualified persons for these positions.

In summary, USUA believes that additional time is required to rectify these problem areas: (1) a shortage of qualified pilot and instructor examiner candidates; (2) a shortage of existing aircraft instructors and examiners transitioning into Sport Pilot/Light Sport Aircraft; (3) a shortage of existing ultralight instructors transitioning into SP/LSA; (4) a shortage of manufacturers of representative ultralights meeting SLSA standards; and (5) a shortage of qualified LSA mechanics, repairmen, and DARs. USUA believes that if FAA grants this Petition for Rulemaking, it will benefit all segments of the industry.

6. In conclusion USUA respectfully requests that the provisions of 14 CFR §§ 21.191, 61.329, 61.431, and 91.319 be amended as detailed herein. USUA believes that making the suggested extensions to the timelines set forth in the Sport Pilot rule will allow critical components of the Sport Pilot rule adequate time in which to develop, thereby ensuring the success of this program.

Respectfully submitted,



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