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

Office of the Chief Counsel

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Ms. Black:

The FAA is responding to your request for a legal interpretation of the "Age 60 Rule." You asked whether FAA regulations permit foreign air carriers to (1) fly over United States airspace with a pilot-in-command over the age of 60 while en route to foreign destinations or (2) use U.S. airports as planned alternate airports when the pilot-in-command is over the age of 60.

On November 23, 2006, the International Civil Aviation Organization adopted a rule increasing the age limit for pilots-in-command conducting international commercial air transport operations with more than one pilot, from age 60 to age 65. As a member state, the U.S. has applied the ICAO standard since its adoption, and the FAA has allowed foreign air carrier pilots under the age of 65 to conduct operations over U.S. airspace, including U.S airports as planned alternates.

On December 13, 2007, the President signed into law the Fair Treatment for Experienced Pilots Act, which raised the upper age limit for pilots operating under Title 14 of the Code of Federal Regulations (14 CFR) part 121. The Act raised the age limit from age 60 to age 65 for pilots conducting air transportation operations, and it nullified § 121.383(c) of the Federal Aviation Regulations, otherwise known as the Age 60 Rule. The Act does contain a restriction that if a pilot-in-command conducting international operations under part 121 is over the age of 60, that pilot must be paired with a second- in-command who is under the age of 60. These provisions are consistent with the ICAO standard, and are now codified at Title 49 of the United States code, Section 44729. The FAA is in the process of amending its regulations to reflect the statutory provisions.

As to pilots serving as second-in command, ICAO has recommended that member states do not allow those pilots to conduct international air transport commercial operations once they have reached 65 years of age. However, ICAO has issued that guidance as a recommendation and not a standard, and the FAA has not imposed an age limit for foreign air carrier pilots serving as second-in-command.

We trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Angela Washington of the Regulations Division of the Office of the Chief Counsel and coordinated with the International Programs and Policy Division of the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200