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

Office of the Chief Counsel

**800 Independence Ave., S.W.
Washington, D.C. 20591**

JAN 21 2015

Carlos Gomez
[redacted]

Re: Applicability of pilot age limitations to operations conducted under 14 CFR parts 125 and 135

Dear Mr. Gomez:

This letter is provided in response to your request for a legal interpretation sent to me on September 24, 2014. In your request for a legal interpretation, you sought to clarify the pilot age limitations applicable to domestic and international operations conducted under parts 125 and 135 of title 14 of the Code of Federal Regulations (CFR).

Specifically, you state, "This letter is to request legal interpretation regarding International Flights conducted out of South Florida into the Caribbean with our Part 125 Air Operator and our Part 135 Air Carrier operations." Although you further question whether you may use pilots in your part 125 and 135 international operations that do not comply with "FAA 8900.1 Volume 12, ICAO Annex 1 2.1.10 and Bahamas CAA Subpart B-14.020-Age 65 Restriction..." it appears that you are seeking specific information regarding pilot age limitations applicable to the part 125 and part 135 operations you conduct. Accordingly, this response addresses the pilot age limitations applicable to those operations and enforced by the Federal Aviation Administration.[1]

Operations conducted under parts 125 and 135 must comply with the operating rules of the applicable part. Additional limitations on those operations when using a U.S. registered aircraft outside of the U.S. may be found in subpart H of part 91. None of these parts, however, contain applicable pilot age limitations. Rather, pilot age limitations applicable to certain part 125 and 135 operations can be found in part 61.

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[1] Although operations conducted under parts 125 and 135 using U.S. registered aircraft must comply with the regulations pertaining to the flight and maneuver of aircraft of the foreign country in which the operations take place (§ 91.703(a)(2)), the FAA does not provide interpretations of the aviation rules of foreign countries. You should contact the civil aviation authority of the Bahamas for interpretations of its aviation safety regulations. Further, FAA Order 8900.1 contains directives and guidance information for Aviation Safety Inspectors and does not apply directly to regulated entities.

Part 61 provides pilot certification requirements as well as limitations regarding a pilot's use of such certificate. Thus, pilots serving in part 125 or part 135 operations, while relying on a certificate issued under part 61, must also satisfy the requirements of part 61.

Specifically, § 61.3(j) establishes age limitations for pilots serving in certain international operations using aircraft of U.S. registry, consistent with the standards found in Standard 2.1.10 in Annex 1 (Personnel Licensing) to the Convention on International Civil Aviation. Applying the requirements of this section, for single-pilot operations, no person may serve as PIC if that person has reached 60 years of age. *See* § 61.3(j)(2). For multi-pilot operations, no person may serve as a pilot if that person has reached 65 years of age. *See* § 61.3(j)(1). Section 61.3(j)(2) also contains a requirement to pair a PIC who has reached age 60 with a pilot under age 60. However, as explained in a recent Federal Register notice the FAA is no longer enforcing this pilot pairing requirement. *See* 79 Fed. Reg. 67346 (Nov. 13, 2014). There are no pilot age limitations in title 14 for pilots serving in operations conducted under parts 125 or 135 that remain within United States airspace for the entire the flight.

The part 61 pilot age limitations described above apply to pilots conducting operations using an aircraft of U.S. registry if those operations reflect the characteristics in one of the following paragraphs:

> (i) Scheduled international air services carrying passengers in turbojet powered airplanes;
> (ii) Scheduled international air services carrying passengers in airplanes having a passenger-seat configuration of more than nine passenger seats, excluding each crewmember seat;
> (iii) Nonscheduled international air transportation for compensation or hire in airplanes having a passenger-seat configuration of more than 30 passengers seats, excluding each crewmember seat; or
> (iv) Scheduled international air services, or nonscheduled international air transportation for compensation or hire in airplanes having a payload capacity of more than 7,500 pounds.

See § 61.3(j)(1). The terms, "scheduled international air service" and "non-scheduled international air transportation for compensation or hire" as used in § 61.3(j) include operations that pass through the airspace over the territory of more than one country.

Accordingly, § 61.3(j) applies to pilots conducting part 125 and 135 operations in U.S. registered aircraft if the operational characteristics of the flight meet the characteristics described in § 61.3(j)(1). This means that a pilot who conducts a part 125 or a part 135 operation that departs Nassau, Bahamas, and lands in Miami, Florida, must comply with the pilot age limitations of § 61.3(j) if the operational characteristics of the flight fall within one of the paragraphs of § 61.3(j)(1).

This response was prepared by Sara Mikolop, an attorney in the in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the International Programs and Policy and Air Transportation Divisions of the Flight Standards Service. If you need further assistance, please contact my staff at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations, AGC-200

Enclosure