

Below is my letter requesting exemption to the Age 60 Rule requiring Commercial Airline Pilots to retire at Age 60.

Captain David Bishop Patton  
2512 SE 115th Court  
Vancouver, WA 98664-5389  
(360) 256-5191 (H) (360) 281-3222 (C)  
dpattons@comcast.net

9 April 2007

Ms. Ida Klepper  
Manager of Office for Rule Making  
Federal Aviation Administration  
Mail Stop ARM100  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Dear Ms. Klepper,

My name is David Bishop Patton. My Airline Transport Pilot certificate number is 2036869 and I hold a First Class Medical certificate dated 12 March 2007. I am currently an airline pilot employed by Southwest Airlines and have been employed by Southwest for the past 25 years. However, due to the Age 60 Rule prescribed in 14 C.F.R. § 121.383 (c), I will be required to leave my position on 15 December 2007, my 60th birthday.

I am petitioning for an Age 60 Rule exemption to pilot and command aircraft in commercial air transport operations. This exemption would require me to satisfy all the same certification criteria that apply to all pilots under age 60.

I contend that my skills, experience and knowledge will serve to increase aviation safety and consequently serve the public interest. I have over 18,000 accident/violation free flying hours. I have been an FAA certified Check Pilot on the Boeing 737 for the past twelve years. You will see my name in your files since I first received my private pilot rating while attending the United States Air Force Academy in 1970. During the past 37 years I have an unblemished flight safety record with over 22,000 hours flying time log including my military flight experience.

This past November 23, 2006 ICAO raised the "upper age limit" for pilots to age 65. On that day, foreign pilots over the age of 60 (who, the United States FAA have no medical or flying performance data) were allowed to operate fully into United States airspace and airports, carrying United States citizens as passengers. At the present time, American pilots are denied that same right, to carry United States citizens as passengers in our own country. This is certainly a double standard that must be remedied.

I appreciate the United States FAA recognizing this new ICAO standard of age 65, allowing foreign pilots to continue to operate as pilots past the age of 60. I also commend FAA Administrator Blakey for taking the initiative to announce on 30 January 2007 that the Age 60 Rule will be harmonized with the ICAO standard, however, not immediately! It will need to go through the NPRM process. This could take from eighteen to twenty-four months. During this time period Southwest Airlines will lose over 275 pilots and United States air carriers will lose an aggregate total of over 4000 pilots. Age 60 exemptions dated to 23 November 2006 would fill this 18-24 month void and allow some (not all will want to continue flying) of the United States most experienced pilots to continue to

fly until the NPRM process is concluded. In allowing foreign pilots over the age of 60 to fly into the United States, the FAA is by de facto operations granting these foreign pilots in command an age 60 exemption. Our foreign pilot counterparts are not unique when compared to pilots here in the United States. They are, however, enjoying a right uniquely based upon the ICAO standard. U.S. pilots do not enjoy this same unique ICAO world standard.

The FAA set a prior precedent by granting exemptions to the Age 60 Rule. From 6 January 1992 thru 31 October 1993 the FAA approved an extension to the Age 60 Rule to Corse-Air International. Again, from 25 November 1992 thru 31 July 1993 an extension was granted for Cargolux. Also, for a third case from 08 November 1993 thru 31 July 1994, the FAA granted an extension to Icelandair. All of these extensions were granted for purposes of pilot training and brought the stated airline into compliance with the Age 60 Rule. On 21 March 1997, the FAA also granted multi-year age 60 waivers to approximately 200 Part 135 pilots under the Part 135 "one level of safety" conversion. These pilots in the group of 200 were tracked and none were involved in any accidents or incidents.

Since the inception of the Age 60 Rule over 45 years ago, the FAA has granted individual commercial airline pilot waivers for various medical conditions. Some examples include heart conditions, high blood pressure, physical impairment, vision impairment, and alcohol or substance abuse. The FAA has maintained that as long as the pilot has completed treatment for the medical condition and satisfactorily meets FAA standards, the pilot should be allowed to continue flying. The precedent has been set to make exemptions.

The Equal Employment Opportunity Commission has closely scrutinized the Age 60 Rule. Similar situations to the Age 60 Rule have occurred in the private sector, specifically at Boeing and Grumman. Both of these cases were resolved by consent decrees in which they agreed to raise or eliminate their age limitations. The EEOC has not officially challenged the FAA regarding the Age 60 Rule, however, it has certainly made its opinion known. In a letter dated 15 November 2006, Chair Naomi C. Earp, responded to the FAA request for comments concerning its regulation referred to as the Age 60 Rule. Chair Earp addressed ADEA prohibitions with regard to age discrimination and application of the Bona Fide Occupational Qualification defense in relation to health and skill evaluations for pilots. EEOC "supports raising the age limit for Part 121 pilots to age 65 for a specific time period as a reasonable interim step in the process of eventually elimination age as a determinative factor in the employment of airline commercial pilots."

FAA Administrator Blakey stated in a FAA press release dated 30 January 2007 that "A pilot's experience counts—it's an added margin of safety. Foreign airlines have demonstrated that experienced pilots in good health can fly beyond age 60 without compromising safety." Administrator Blakey's comments further the "experience" capabilities of pilots past age 60. To remove pilots older than age 60 from flight decks of airlines certificated in the United States has the potential to decrease safety margin. Exemptions to the rule would increase the level of safety from the present Age 60 Rule because these pilots currently forced out would be retained and "it's an added margin of safety". Why lose this "experience" when it could easily be preserved with exemptions.

To further reiterate, I am petitioning for an Age 60 Rule exemption to pilot and command aircraft in U.S. commercial air transport operations. Time is of the essence with this matter for me and literally thousands of pilots in the United States of America please respond to this letter as soon as possible. We lost two of our pilots last week to the Age 60 Rule.

Ms. Klepper, thank you for your attention and assistance with this most important matter of Age 60 Rule pilot exemptions.

Sincerely,

David B. Patton  
Captain  
Southwest Airlines

/dp

cc: The Honorable Marion Blakey  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Dr. Fred Tilton  
Federal Air Surgeon  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

United States Department of Transportation  
Docket Management System  
400 7th Street, SW Room PL 401  
Washington, D.C. 20591-0001

Captain Chuck Magill  
Vice President Flight Operations  
Southwest Airlines  
Dallas Love Field  
P.O. Box 36611  
Dallas, TX 75235-1611

Captain Carl Kuwitzky  
President  
Southwest Airlines Pilot Association  
1450 Empire Central  
Brookview Plaza Suite 737  
Dallas, TX 75247

