

ILLINOIS DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

INTERIM ORDER 1

In re: The Matter of the Proposed Children's Memorial Hospital Rooftop Heliport to be located in Chicago, Illinois

1. On August 4, 2008 The Children's Memorial Hospital (CMH) filed an application for approval of a hospital heliport, owned and operated by CMH, to be known as Lurie Children's Heliport (the Heliport) and to be located in Chicago in Cook County, Illinois on a 1.8 acre parcel bounded by 215 to 235 East Chicago Avenue on the North, 200 to 233 East Superior Street on the South, Prentice Women's Hospital on the East and the American Dental Association and the Affinia Hotel on the West.
2. On September 9, 2008 the Department of Transportation, Division of Aeronautics (the Division) issued a Notice of Intent to enter an Order approving the application for the Heliport.
3. On April 14, 2009 the Division issued an Order to be served April 23, 2009 approving the application for the Heliport.
4. The Order dated April 14, 2009 provided it would take effect twenty (20) days after its service date unless the Division found that a hearing is necessary or that a longer period is appropriate.
5. Finding a hearing necessary, the Division served a Notice of Hearing dated June 15, 2009. On July 22, 23, 24, and 25, 2009 the Division conducted a hearing on the application.
6. On February 5, 2010, counsel for CMH sent a letter to counsel for Streeterville Organization for Active Residents (SOAR) with a copy to the Division giving notice that construction had begun on the building infrastructure necessary to support the Heliport but that the Heliport would not be used or operated until a Certificate of Approval was issued by the Division.
7. On February 8, 2010 counsel for SOAR sent a letter to the Chief Counsel for the Department of Transportation (the Department) asking that the Department take appropriate action to ensure that CMH cease and desist from any construction activities concerning the Heliport.
8. The Division's authority to restrict the construction or operation of a restricted landing area, such as a heliport, is stated in Section 47 of the Illinois Aeronautics Act (620 ILCS 5/47) as follows:

" It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, to make any alteration or extension of an existing airport or restricted landing area, or to use or operate any airport or restricted landing area, for which a certificate of approval has not been issued by the Department..."
9. It is clear from the record that has been assembled to date and from the correspondence cited in this Order, that there is no existing restricted landing area being operated by CMH at the location described in Paragraph 1, above. CMH's application did not seek to make any alteration or extension of an existing restricted landing area.

10. Under Section 47 of the Illinois Aeronautics Act, the Department's authority to prohibit construction activities is limited to altering or extending an existing restricted landing area.
11. The Division finds that to the extent CMH proceeds with any construction or construction related activity related to the Heliport at the location described in Paragraph 1, it proceeds at its own risk because the use or operation of the Heliport has not been approved.

IT IS, THEREFORE, ORDERED BY THE DIVISION OF AERONAUTICS, AS FOLLOWS:

1. The request by counsel for SOAR that the Department take action to ensure that CMH cease and desist from any construction activities concerning the Heliport is denied.
2. This Order does not prohibit CMH from performing construction or construction related activities related to the Heliport at the location described in Paragraph 1, above, and CMH proceeds at its own risk.
3. This Order does not constitute approval of any construction or construction related activity by CMH and does not constitute a Certificate of Approval for use or operation of the Heliport by CMH at the location described in Paragraph 1, above.
4. This Order does not constitute final action by the Department under the provisions of the Illinois Aeronautics Act.



Susan R. Shea, Ph.D.

Director of Aeronautics

DATED: 2-24-10

TO BE SERVED: _____