

**AERO ENGINEERING**

SJL	MPI	ADM	TLT
MFW	RAB	RSB	KAC

**STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION**

MAY 01 2009

In re: The Matter of the Proposed Children's Memorial Hospital Rooftop Heliport to be located in Chicago, Illinois )  
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RLH	GLJ	BMN	JRP
CWR	PBS	TLS	BMV

**WRITTEN REQUEST FOR HEARING AS TO THE VALIDITY OR REASONABLENESS OF IDOT'S ORDER REGARDING THE PROPOSED CHILDREN'S MEMORIAL HOSPITAL HELIPORT AND MOTION FOR AN EVIDENTIARY HEARING IN WHICH THE SAFETY OF THE PROPOSED HELIPORT CAN BE FULLY EXPLORED**

NOW COMES the Streeterville Organization of Active Residents, hereinafter referred to as "SOAR", and as their Written Request for Hearing as to the Validity or Reasonableness of IDOT's Order regarding the Proposed Children's Memorial Hospital Heliport and Motion for an Evidentiary Hearing in connection with the rooftop heliport which has been proposed by The Children's Memorial Hospital, to be located in the Streeterville neighborhood, Chicago, Cook County, Illinois, states as follows:

1. SOAR is a 33-year-old non-profit group that works on behalf of Streeterville residents by preserving, promoting and enhancing the quality of life and community. SOAR's standard development review process is well-respected by City of Chicago officials, real estate developers and residents.

2. SOAR and the residential community it represents (i.e., 19,437 residential units in an area 3/4 mile square) have an active interest in the Streeterville neighborhood, including issues which affect the safety of the residents as well as all those who work in the Streeterville neighborhood and the thousands of national and international visitors who visit the neighborhood.

3. The Children's Memorial Hospital, hereinafter referred to as "CMH", is seeking approval from the Illinois Department of Transportation ("IDOT") for permission to construct and operate a rooftop heliport at the new CMH hospital which is currently being constructed in Chicago's Streeterville neighborhood ("Proposed Heliport").

4. IDOT issued an order on April 23, 2009 for Docket #08-08 for the Proposed Heliport.

5. This document shall first and foremost constitute SOAR's written request for a hearing as to the validity or reasonableness of said Order. Second, through this document, SOAR requests that said hearing be an evidentiary hearing with cross-examination and with SOAR being provided the ability to present its own witnesses in opposition to the positions asserted by CMH and IDOT.

6. An IDOT spokesperson was quoted by Chicago's ABC Affiliate, Channel 7, on April 23, 2009 as stating for IDOT that:

[S]afety is its primary concern and it will do whatever it takes to make sure everyone is satisfied with the level of study in the proposal.

7. SOAR applauds IDOT for this commitment and agrees with its approach. For the reasons set forth below, SOAR believes that discovery and more formal evidentiary procedures are essential to a fair evaluation of the safety and level of study of CMH's proposal.

8. CMH has retained at least six experts in this matter. Those experts have completed or reviewed tests related to the proposed heliport. Through limited documents which CMH has provided in this matter, those experts have expressed their opinions regarding the alleged safety of the proposed heliport.

9. IDOT has retained at least three experts in this matter. Those experts were retained by IDOT, in part, because IDOT, by its own admission, has never reviewed a heliport at

the proposed elevation. The uniqueness of this proposal in conjunction with the need of IDOT to retain outside consultants to review the application further demonstrates the need for the evidentiary hearing being requested in this motion.

10. SOAR has retained the services of Humanitarian Research Services, Inc. which has prepared a report related to U.S. Helicopter Emergency Medical Service industry accidents, incidents, and events. SOAR has also retained two other experts, Dr. Thomas Corke and Mr. Gene Doub, in connection with the Proposed Heliport.

11. Dr. Corke has concluded that the study relied upon by CMH and IDOT concluding that the heliport is safe is substantially deficient in many ways, including, but not limited to the fact that they only tested two flight paths with wind from two directions at one speed only, when multiple flight paths and wind directions and speeds need to be considered.

12. Mr. Doub has concluded, amongst other things, that the proposed location does not even meet the FAA's normal recommendation for the site selection of a hospital heliport and that the safety plan submitted by CMH is seriously deficient in numerous ways.

13. Despite those conclusions from SOAR's experts, and despite the fact that CMH has been provided with those conclusions, to SOAR's knowledge CMH has not completed any further necessary study or corrected the deficiencies in the studies which they have already conducted. Further, CMH will not provide SOAR with the input/output data for the tests which they allegedly had their experts perform.

14. Since October 8, 2007 SOAR has requested on numerous occasions certain written documentation from CMH regarding the conclusions which they have reached on the alleged safety of the proposed heliport. Requests for documentation from CMH have been made by SOAR on at least all of the following dates: October 8, 2007; October 22, 2007; August 6,

2008; April 7, 2009; and April 13, 2009. However, despite those many requests in a period of over a year and a half, CMH has refused to turn over such documentation.

15. According to the National Transportation Safety Board, 2008 was the deadliest year ever for medical helicopter operations. Four of the thirteen medical helicopter accidents that occurred in 2008 occurred either at or within one mile of a hospital heliport. These four accidents alone resulted in 7 fatalities, 2 serious injuries, and 3 minor injuries. Another one of the 2008 medical helicopter accidents occurred when an experienced, qualified medical helicopter pilot, crashed into a known, marked, lit obstruction while flying to Children's Memorial Hospital last October, killing all four on board, including the patient. The possibility of an accident and the severe risk of injury or death not only to those in the helicopters, but also to those who visit, live and work in the Streeterville area demonstrates the importance of this upcoming hearing. In short, it is imperative that IDOT make certain that the CMH experts are correct in their opinions, that their opinions are based upon reliable testing and data, and that the risk to the public is as minimal as possible. The only way to accomplish that is by having a full evidentiary hearing with cross-examination and with discovery including the issuance of subpoenas.

16. SOAR recognizes that Section 14.1100 of the Illinois Administrative Code provides that, in general, issuance of certificates for airports and restricted landing areas are generally matters entitled to less formal hearings. That provision was certainly put in to place because the average hearing on landing areas will not have a significant impact on the public; therefore, an evidentiary hearing with more procedural safeguards is ordinarily not a necessity. In this case, on the other hand, the proposed heliport will be the highest in Illinois; it will be amongst 14 taller buildings; it will be subject to winds of varying speeds from varying

directions; and it will be located in perhaps the most densely populated area in Illinois. An accident involving a helicopter at this location could result in a tremendous loss of life. Therefore, this is far from an ordinary landing area matter, which warrants a full evidentiary hearing.

17. That being the case, we respectfully request that the Administrative Law Judge exercise his discretion as provided in Sections 14.1150 and 14.1185 of the regulations to conduct an evidentiary hearing, with cross-examination of witnesses, allowing SOAR to present its own witnesses, and allowing SOAR the opportunity to present a written brief in support of its position on the issue pursuant to the Illinois Administrative Procedure Act and the regulations of the Illinois Department of Transportation.

18. It is further our understanding that a hearing in early June is being contemplated. We would respectfully request that the hearing take place no sooner than mid July, 2009. The reasons for this request are many. First, discovery through Freedom of Information Act Requests (FOIAs), subpoenas, and depositions must be conducted. SOAR issued FOIAs to IDOT and the FAA on April 17, 2009. IDOT indicated they needed an additional seven (7) business days to compile the discovery responsive to said FOIAs. Further on April 24, 2009 SOAR submitted to the ALJ eleven subpoenas for deposition and one subpoena for records. The requested depositions will be of the experts retained by CMH and IDOT regarding the design, location, and safety or lack thereof, of the proposed heliport. A motion for issuance of said subpoenas was filed on April 17, 2009 and must be heard by the ALJ. CMH has indicated it may take ten days to respond to said motion. Second, on April 24, 2009 Mr. Doub reported to SOAR that his congestive heart failure is presently causing him problems which make it unlikely that he will be able to attend a hearing in early June. SOAR is presently seeking an alternative expert to discuss