

For Immediate Release
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O'Hare Construction to Resume Thursday After D.C. Appeals Court Lifts Stay

Construction on the O'Hare Modernization Program will resume Thursday, following a favorable court ruling in Washington, D.C., OMP Executive Director Rosemarie S. Andolino said today. She said

land acquisition activities will also move forward as previously outlined.

The U.S. Court of Appeals for the District of Columbia today dissolved an administrative stay of the Federal Aviation Administration's decision approving the O'Hare Modernization Program, and denied the plaintiffs' motion for an emergency stay pending appeal.

"We have directed Kiewit Western Co. to resume construction immediately because the sooner we resume construction, the sooner benefits to travelers and airlines across the nation can be realized," said . Andolino.

On September 30, the FAA issued a Record of Decision approving the O'Hare Modernization Program. OMP opponents, including the Village of Bensenville and Elk Grove Village, immediately petitioned the court for an administrative stay of that decision. They also sought an emergency stay pending appeal. The court granted the request for an administrative stay "to give the court a sufficient opportunity to consider the merits of the emergency motion for a stay pending appeal" but stated that the ruling "should not be construed in any way as a ruling on the merits of the motion."

Both the City and FAA filed responses to the requests for an administrative stay and stay pending appeal. In its response, the City argued that the Bensenville, Elk Grove Village and the other petitioners had not met the legal standards required to stay the FAA's Record of Decision. Specifically, the City argued that the public interest was severely injured by any delay of OMP; the City would suffer substantial financial harm by the increased costs of construction for each day of delay; the petitioners were not likely to succeed on the merits of their case; and the petitioners would not be irreparably harmed if the project proceeded.

The D.C. Court agreed with the City and FAA, finding that "...petitioners have not demonstrated the irreparable injury or likelihood of success on the merits requisite for the issuance of a stay pending review."

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