

For Immediate Release  
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### **DC Circuit Court Denies Petition for Rehearing of August Decision in Favor of Chicago and FAA**

On December 15, 2006, the D.C. Circuit Court of Appeals denied a petition for rehearing filed by opponents of the O'Hare Modernization Program (OMP). This ruling means that the August 4, 2006 decision by the D.C. Circuit in favor of the City of Chicago and Federal Aviation Administration (FAA) stands.

The D.C. Circuit Court of Appeals denied the request for panel rehearing and for en banc (full Court) rehearing, which was filed by the Village of Bensenville, Elk Grove Village, St. John's United Church of Christ and several individuals, based on briefs filed by all parties. The Court rejected the petitioner's request to reargue claims relating to St. Johannes Cemetery.

In its August decision, the D.C. Circuit Court ruled that the choices made by the City of Chicago as owner and operator of O'Hare Airport do not constitute federal action and therefore are not subject to the Religious Freedom Restoration Act (RFRA). The Court also upheld the FAA's Record of Decision approving the OMP as well as the FAA's decision to issue a Letter of Intent (LOI) for federal funding, ruling that the LOI was not a final order subject to appeal.

"We are pleased with the Court's decision because it affirms the O'Hare Modernization Program's importance to the national aviation system," said Rosemarie S. Andolino, OMP Executive Director. "Construction continues on this critical project, and we look forward to delivering much-needed capacity enhancement and delay reduction for air passengers and the airlines operating at O'Hare."

The OMP has made tremendous progress in 2006, the first full year of construction for Mayor Richard M. Daley's vision to build a 21st century airport at O'Hare. Since receiving federal approval in September 2005, contractors have moved nearly 3.5 million cubic yards of dirt, placed more than 5,200 linear feet of concrete box culverts to relocate a creek and poured more than 39,000 square yards of concrete for taxiways to support the development of new runways at the airport. Additionally, the OMP has acquired 352 of the 611 parcels needed in the Village of Bensenville.

The O'Hare Modernization Program (OMP) reconfigures O'Hare's outdated intersecting runway system into a modern parallel runway configuration, substantially reducing delays and increasing capacity. The OMP will create up to 195,000 new jobs and an additional \$18 billion in annual economic activity for the region at no cost to local or state taxpayers.