



U.S. Department
of Transportation
Federal Aviation
Administration

800 Independence Avenue, S.W.
Washington, D.C. 20591

Certified Mail -- Return Receipt Requested

August 31, 2005

City of Chicago
Department of Aviation
Terminal 2, Mezzanine Level
P.O. Box 66142
Chicago, Illinois 60666

Re: Case No. 2003GL8000086

Final Notice of Proposed Civil Penalty

On October 1, 2004, the City of Chicago was advised through a Notice of Proposed Civil Penalty that the Federal Aviation Administration ("FAA") proposed to assess a civil penalty in the amount of \$33,000. After considering all of the information presently part of this proceeding, it appears that:

1. At all times mentioned herein, the City of Chicago was the operator of Merrill C. Meigs Field ("Meigs Field"), an airport located on Chicago's lakefront.
2. Prior to its deactivation by the City of Chicago on or about March 31, 2003, Meigs Field was an active airport with an established instrument approach procedure.
3. At least 32,000 general aviation operations were conducted during calendar year 2002 at Meigs Field.
4. At all times mentioned herein, under 14 C.F.R. § 157.5(b)(2), the operator of an airport having an established instrument approach procedure was required to submit to an FAA Airport District/Field Office or Regional Office a 30-day prior notice concerning the deactivation, discontinued use, or abandonment of such an airport.

5. On March 29, 2003, the City of Chicago, which leased the land on which Meigs Field was located from the Chicago Park District, purportedly received notice from the Chicago Park District that it was exercising its right to terminate ~~the lease~~ agreement with the City of Chicago effective April 1, 2003.

6. On March 31, 2003, Michael A. Forti, Deputy Corporation Counsel for the City of Chicago, faxed a notice to the FAA's Chicago Airport District Office stating that the City of Chicago had deactivated, discontinued using, and abandoned Meigs Field.

7. The faxed notice referenced in paragraph 6, above, further stated that:

a. the Chicago Park District's termination of the lease to the City of Chicago for the use of the land at Meigs Field "occurred after consultation between the Park District and the City of Chicago";

b. demolition of runway, taxiway, and other structures at Meigs Field had begun and was continuing, and that as a result facilities at Meigs Field were no longer safe or suitable for aircraft operations; and

c. a Notice to Airmen ("NOTAM") had been issued announcing the airport's closure at 3:02 a.m. on March 31, 2003.

8. The NOTAM referenced in paragraph 7, above, advised that the airport was closed due to removal of pavement, open trenches, and stockpile of materials on the runway.

9. The City of Chicago's demolition of facilities at Meigs Field, as described in paragraph 7, above, effectively resulted in the deactivation of the airport before the City of Chicago provided notice to the FAA of such deactivation.

10. The City of Chicago's notification of the deactivation of Meigs Field to the FAA's Airport District/Field Office did not comply with the notice requirement set forth at 14 C.F.R. § 157.5(b)(2).

11. As result of the City of Chicago's violation of the notice requirement set forth at 14 C.F.R. § 157.5(b)(2),

the FAA was denied sufficient time to evaluate the potential effect of the deactivation of Meigs Field on the regional and national airspace system and the public as a whole.

By reason of the foregoing, the City of Chicago violated 14 C.F.R. § 157.5(b)(2), in that the City of Chicago failed to provide notice of the deactivation of Meigs Field at least 30 days before, and during the 30-day period prior to, such deactivation.

In accordance with 49 U.S.C. § 46301(a)(1), the City of Chicago is subject to a civil penalty not to exceed \$1,100 for each violation of the Federal Aviation Regulations. Under 49 U.S.C. § 46301(a)(4), a separate violation occurs each day the violation continues. Each day the City of Chicago failed to provide notice of the deactivation of Meigs Field during the 30-day period prior to the deactivation constituted a separate violation of 14 C.F.R. § 157.5(b)(2). By reason of the foregoing facts and circumstances, the FAA proposes to assess the City of Chicago a civil penalty in the amount of \$33,000.

Not later than 15 days after it receives this Final Notice, the City of Chicago may: 1) submit the amount of the proposed civil penalty, or an agreed-upon amount, to the FAA, in which case the FAA will send the City of Chicago an order assessing civil penalty and the City of Chicago will have no further right to a hearing; or 2) mail or personally deliver in writing a request for a hearing. If the City of Chicago does not pay an agreed-upon amount or submit a written request for a hearing, it must pay the proposed civil penalty.

The City of Chicago's request for a hearing must be sent to:

Hearing Docket
Federal Aviation Administration
800 Independence Ave., S.W.
Room 2014
Washington, D.C. 20591
Attention: Hearing Docket Clerk.

A copy of the request for hearing must be sent to:

James A. Barry, Attorney
Enforcement Division, AGC-300
Office of the Chief Counsel

Federal Aviation Administration
800 Independence Ave., S.W.
Washington, D.C. 20591.

The City of Chicago may pay the proposed penalty by submitting a certified check or money order payable to the FAA, to:

General Accounting, AMZ-310
Mike Monroney Aeronautical Center
Federal Aviation Administration
6500 South MacArthur Blvd.
Oklahoma City, OK 73169
Attention: Tinisha Williams.

If the City of Chicago elects to submit a check, please send a copy of the check to:

James A. Barry, Attorney
Enforcement Division, AGC-300
Office of the Chief Counsel
Federal Aviation Administration
800 Independence Ave., S.W.
Washington, D.C. 20591.

Please indicate the case number on the front of the check.

Peter J. Lynch
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