



December 14, 2016

VIA EMAIL

Mr. Alex Koerner
Associate City Planner, Americorps Vista
Department Redevelopment and Planning
City of Gary, IN
Email: vista@cityofgary.onmicrosoft.com

RE: 16-FOIA-300 Contracts - Realignment Projects

Dear Mr. Koerner:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On November 30, 2016, we received your request for the agreements with municipalities and contracts with IDOT on any Metra realignment projects since 1990 (“**Request**”).

We sent you an email on December 1, advising we had consulted with our Engineering Department about your Request, and they asked if you would clarify what you meant by the term “realignment.” You responded that same day and stated that you were looking for, “Any major infrastructure projects consisting of double tracking and rerouting of their rail lines as well as major upgrades and installations of new stations.” Upon further review of your Request, we sent you a follow-up email on December 1, to inform you that our Engineering Department stated that as written, your Request would be unduly burdensome to fulfill. To manually pull and review 26 years’ worth of records would be disruptive to the day-to-day operations of the Engineering Department as well as the FOIA Department, thus inhibiting our ability to process other FOIA requests. With this in mind, we stated that we were willing to work with you in order to provide you with the information you were seeking; and we asked if you would consider narrowing the scope of your Request to a shorter time frame and a specific location, with the understanding that you may submit future requests for additional information. I called your office and left you a voice mail on December 6, asking that you return my call to discuss your Request. To date, we have not received a response from you. Accordingly, your Request is denied.

II. Denial

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” Your Request as written is overly broad and would be disruptive to the day-to-day operations of the Metra Engineering Department personnel tasked with locating and pulling 26 years’ worth of records. Further, your Request would severely interfere with the day-to-day operations of our department, as we would need to review any records that may be

responsive to your Request; and this task would inhibit our ability to fulfill other FOIA requests. As such, your Request for these records is unduly burdensome. Since you did not reply to our email requesting that you narrow the scope of your Request, nor did you return my call to further discuss your Request, it has been determined by Attorney Jamie Harrmann that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request and noted above.

III. Right of Review

You have the right to have the denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642