

September 28, 2015

VIA E-MAIL

Mr. John Chase

Chicago Tribune

Email: jchase@chicagotribune.com

RE: 15-FOIA-185 Info – Cubic

Dear Mr. Chase:

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

I. Background

On September 8, 2015, we received your request for:

1. Any and all audits, inspections and reports produced by or for Metra related to its Intergovernmental Agreement with CTA and Pace in connection with its contract with Cubic Transportation Systems;
2. The full and complete copy, along with all attachments and appendices, of the “Contractor Advertising Plan” as part of the Third Supplement Agreement with Cubic;
3. All invoices from Cubic;
4. A list of all of Cubic’s subcontractors;
5. All memos and documents pertaining to advertising and marketing initiatives via Ventra;
6. All meeting minutes of semi-annual Ventra Mobile Application and System Review Board meetings;
7. All technical documentation, all object code and source code – collectively called the Escrow Deposit for all software used in the delivery of a hosted service between Cubic, Metra, CTA and Pace; and
8. All quarterly reports detailing “best practices” of Cubic’s software update

(“**Request**”). Your Request is granted in part and denied in part.

We contacted you on September 22, 2015, to advise that we would be unable to meet our deadline as we were currently processing a number of document heavy FOIAs and were operating short-staffed. We then asked if you would grant us an extension to September 25th. You responded that same day agreeing to grant the extension.

II. Responsive Documents

In response to your Request, Metra is providing you with the following information:

- With respect to Cubic’s subcontractors, Metra only has records with respect to the key subcontractor GlobeSherpa, which is included in the Project Agreement previously provided to you. While we do not maintain a list, we are also aware of two additional subcontractors: American Eagle and Grisko. We reached out to the CTA to obtain a subcontractor list and understand that CTA is independently working on a request of yours to provide said list. Rather than delay Metra’s response waiting for the list, we are deferring to the CTA to provide the list of subcontractors to you.

(“**Responsive Documents**”).

After performing a diligent search of Metra’s records, we have been unable to locate any records responsive to the following portions of your request:

- All invoices from Cubic;
- Any and all audits, inspections and reports produced by or for Metra related to its Intergovernmental Agreement with CTA and Pace in connection with its contract with Cubic Transportation Systems – At this time, there are no audits or inspections, nor are there any reports under the Intergovernmental Agreement;
- The full and complete copy, along with all attachments and appendices, of the “Contractor Advertising Plan” as part of the Third Supplement Agreement with Cubic;
- All meeting minutes of semi-annual Ventra Mobile Application and System Review Board meetings – the Board hasn’t met regarding this matter, as such, no records exist yet;
- All technical documentation, all object code and source code – collectively called the Escrow Deposit for all software used in the delivery of a hosted service between Cubic, Metra, CTA and Pace; and
- All quarterly reports detailing the “best practices” of Cubic’s software update.

III. Denial

One (1) email and the Ventra Mobile Application campaign materials are being withheld in their entirety under section 7(1)(f) of FOIA. Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f). The aforementioned email and the Ventra Mobile Application campaign materials contain draft documents, recommendations, notes and opinions, and their exemption is appropriate under FOIA.

IV. 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 partial 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