



November 29, 2016

VIA E-MAIL

Mr. Greg Goetzke

Black Dog Corp

Email: greg@blackdogcorp.com

RE: 16-FOIA-228 Fuel / Train Info

Dear Mr. Goetzke:

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 9, 2016, we received your request for the following information:

1. Which vendor has the contract(s) for fuel, and when do the contracts expire:
 - a. Diesel gallons per year and cost for trains, plus specifications of the diesel including biodiesel %, ultra-low sulphur, etc.; and
 - b. Diesel and gasoline gallons per year for vehicles, other than trains and cost;
2. Train engines with the quantity of each, or an inventory, if possible:
 - a. Make;
 - b. Model;
 - c. Year; and
 - d. Engine make and model;
3. Vehicles (non-train) with the quantity of each, or an inventory, if possible:
 - a. Make;
 - b. Model;
 - c. Year; and
 - d. Engine
4. Fueling locations, fuel tanks (locations and sizes), and what is filled on site. Specifically, if the train engines are directly filled from a tanker on site and where (“**Request**”).

I sent you an email on October 3, 2016, asking if you would provide the time frame you were seeking regarding item 1.b of your Request. You responded that same day indicating that information for Y2015 and any information gathered for Y2016 would be sufficient.

II. Responsive Documents

In response to your Request, Metra's Procurement and Mechanical Departments are providing you with the following records:

1. Which vendor has the contract(s) for fuel and when do the contracts expire: *Mansfield Oil Co. of Gainesville, Inc., is the fuel vendor per purchase order #S33485, dated 10/07/2013, with Change Order #1, dated 12/10/2014, extending the term of this contract to 12/31/2016; and Reladyne of Elk Grove Village, IL is the fuel vendor per blanket purchase order #B52247, dated 6/26/2015 for a term of 6/29/2017 (or until the purchase order dollar amount has been reached, whichever comes first);*
 - a. Diesel gallons per year: *See Exhibit 1-M of S33485, Section 3.0, Statistical Information* and cost for trains: *See Exhibit 1-M of S33485, Section 5.0, Fuel Price, plus specifications of the diesel including biodiesel %, ultra-low sulphur, etc.; See Exhibit 1-M of S33485, Section 2.0, Fuel* and
 - b. Diesel and gasoline gallons per year for vehicles, (other than trains) and cost;
 - *Metra's Procurement Department is providing you with a copy of blanket purchase order #B52247 issued to Reladyne for No. 2 diesel fuel for Metra's Engineering Department for non-train equipment usage;*
 - *Metra's Materials Management Department is providing you with a vehicle Fleet Card Summary Report for 1/1/2015 to 10/31/2016 showing the number of transactions per account and dollar amounts;*
 - *Metra's Engineering Department is providing you with a Petrovend System report for 1/1/2015 to 10/31/2016 showing unleaded and diesel fuel transactions for various locations; and*
 - *Metra's Accounts Payable Department is providing you with spreadsheets showing the dollar amounts paid to Wex Bank on purchase order number S32437; and to Mansfield on purchase order number B53320.*
2. Train engines with the quantity of each, or an inventory, if possible:
 - a. Make: *EMD and MPI*
 - b. Model: *EMD – Locomotive Model F40PH, Engine Model 645E3B-16 Qty. 128; and Locomotive Model F59PH, Engine Model 710G3B Qty. 3;*
MPI – Locomotive Model MP36, Engine Model 645F3B-16 Qty. 27;
 - e. Year: *EMD 1977 – 1992*
MPI 2003 – 2004; and
 - c. Engine make and model – *see 2a. and 2b. above.*
3. Vehicles (non-train) with the quantity of each, or an inventory, if possible – *see attached spreadsheet; and*

4. Fueling locations, fuel tanks (locations and sizes), and what is filled on site. Specifically, if the train engines are directly filled from a tanker on site and where – *Normal fueling is done at the main yards located at:*
 - Western Ave.;
 - M19A (California Ave.);
 - 14th Street;
 - 47th Street; and
 - Ogilvie Transportation Center

Additional fueling capabilities are at the following outer locations:

- Joliet;
- Orland Park;
- Blue island;
- Elgin;
- Fox lake;
- Antioch; and
- Hill Yard

Each outer location tank is rated at 5,000 gallons. The only time fuel tanks are filled directly from trucks is in the event of a fueling pump station failure and for emergency fueling during severe weather events

(“**Responsive Documents**”).

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Jamie Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The insurance policy numbers (personal financial information) of the party as well as passwords mentioned in the Responsive Documents are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” is defined as unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses.
2. Insurance information contained within the Responsive Documents is being redacted because it is exempt from disclosure under Section 7(1)(s) of FOIA, which exempts “[a]ny and all proprietary information and records related to the operation of an intergovernmental

risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Jamie Harrmann, all information regarding insurance within the Responsive Documents has been redacted.

IV. **Right of Review**

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor (“**PAC**”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). 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 partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial 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
FOIA Hotline #312-663-3642

Attachments