

October 11, 2016

VIA E-MAIL

Mr. Dean Nelson
[REDACTED]

RE: 16-FOIA-237 Education Query

Dear Mr. Nelson:

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 27, 2016, we received your request for answers to the following questions:

1. How many humans are hit each year by Metra trains within the entire system;
 - a) How many of those are fatalities;
 - b) How many of those are suicides;
 - c) How many of those are accidental deaths;
 - d) How many are permanently disabled;
 - e) How many intended to commit suicide;
 - f) How many are accidental injury; and
 - g) How many make full recoveries;
2. How many animals are hit each year, also all lines;
3. How many times Metra collides with objects not listed above;
4. How much fuel does Metra use each year and type;
5. Average time trains are late by line; and
6. How many times per year trains stop in three middle of the trip due to mechanical problems

(“Request”).

In an email we sent to you on September 30, 2016, we advised that upon further review of your Request, it has been determined your Request as written potentially involves a voluminous amount of information for an undetermined time period to be compiled and reviewed. Further, this task would be disruptive to the day-to-day operations of those departments tasked with gathering this wide variety of information, and would also be disruptive to the day-to-day operations of the FOIA department, thus inhibiting our ability to process other FOIA requests. With this in mind, we indicated that we were willing to work with you in order to provide you with the information you need; however, we asked if you would consider narrowing the scope of your request to one specific topic for a specific time period, with the understanding that you could submit future requests for additional information.

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 for an undetermined time period is overly broad and would be disruptive to the day-to-day operations of the departments at Metra tasked with pulling and reviewing the requested documents. Further, your Request would severely interfere with the day-to-day operations of our department; and our ability to fulfill other FOIA requests. Since you did not reply to our email requesting that you narrow the scope of 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 as suggested.

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