



January 20, 2017

**VIA E-MAIL**

Mr. Tom Stone

Email: [REDACTED]

RE: 17-FOIA-012 Multi-Contract Request

Dear Mr. Stone:

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 January 12, 2016, we received your request for:

1. Any and all contracts between Metra and Iowa Pacific and its subsidiaries that allows Iowa Pacific to use Metra trackage on the Milwaukee West Line:
  - a) The dates, origination and destination points, and number of trips made by Iowa Pacific under the contract(s) in Item #1 in the year 2016;
  - b) The revenue due to Metra from Iowa Pacific for each date in Item "a" under the contract(s) in Item #1 in the year 2016;
  - c) The revenue actually paid to Metra from Iowa Pacific under the contract(s) in Item #1 in the year 2016;
  - d) An accounting of any and all uncollected revenue to date that is due to Metra from Iowa Pacific;
2. Any and all contracts, board resolutions and management decisions that allowed Iowa Pacific and its subsidiaries that allows or allowed, Iowa Pacific to operate passenger trains on any and all Metra routes in the year 2016:
  - a) The dates, origination and destination points and number of trips made by Iowa Pacific under the contract(s), etc. in Item #2 in the year 2016;
  - b) The revenue due to Metra from Iowa Pacific for each and every trip for each date in item "a" under the contract(s) etc. in Item #2 in the year 2016;
  - c) The revenue actually paid to Metra from Iowa Pacific under the contracts, etc. for each and every trip for each date in Item #2 in the year 2016;
  - d) The names and dates of any and all Metra Management staff, including members of the board of directors, who rode any of these trips of the trains in item #2 in the year 2016, as well as an explanation of the business purposes of these trips;
  - e) The names and dates of any and all Metra Management staff, including members of the board of directors, who rode any of these trips of the trains in item #2 in the year 2016, as well as a listing of any fare payments made by these individuals to Iowa Pacific;

- f) An accounting of any and all uncollected revenue to date that is due to Metra from Iowa Pacific;
3. Any and all contracts between Metra and Wisconsin & Southern Railroad and its subsidiaries that allows said railroad to use any and all Metra trackage:
  - a) The dates and number of trips made by Wisconsin & Southern under the contract(s) in Item #3 in the year 2016;
  - b) The revenue due to Metra from Wisconsin & Southern under the contract in Item #3 in the year 2016;
  - c) The revenue actually paid to Metra from Wisconsin & Southern under the contract in Item #3 in the year 2016; and
4. Any and all contracts between Metra and Amtrak (a.k.a. NRPC) that allows said railroad to use any and all Metra trackage:
  - a) The dates and number of trips made by Amtrak under the contract(s) in Item #4 in the year 2016;
  - b) The revenue due to Metra from Amtrak under the contract in Item #4 in the year 2016; and
  - c) The revenue actually paid to Metra from Amtrak under the contract in Item #4 in the year 2016

(“Request”).

We contacted you by email on January 13 to advise that as written, your Request was unduly burdensome for the departments tasked with gathering and reviewing such a large amount of records and would also interfere with our ability to answer other FOIA requests. We asked that you consider narrowing the scope of your Request to a much smaller amount of records for now, with the understanding that you could submit future requests for additional records. You responded that same day, indicating that you would not narrow your Request and stating that you would not agree to anything less. As such, 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 unduly burdensome for the departments tasked with gathering and reviewing such a large amount of records and would also interfere with our ability to answer other FOIA requests. Further, because the public interest in this information does not outweigh Metra's need to conduct its regular business, it has been determined by Attorney Jamie Harrmann that your Request is unduly burdensome and 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 to smaller amounts of records.

**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](mailto: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](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642