



March 28, 2017

**VIA EMAIL**

Ms. Hayley C. Pahl

CBS2

Email: [hcpahl@cbs.com](mailto:hcpahl@cbs.com)

RE: 17-FOIA-077 Info - Accident 3/13/2017 Elgin

Dear Ms. Pahl:

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 March 13, 2017, we received your request for any documents, surveillance video, on board video, 9-1-1 calls and police reports relating to the fatal pedestrian vs. train in Elgin, IL around 6:30pm on March 13, 2017 (“Request”).

I contacted you by email on March 21 to advise that portion of your Request for “any documents,” was overly broad. I went on to state that we wanted to provide you with the records you needed, but asked that you consider narrowing the scope of your Request to specific documents. On March 27, I called and left a message for you to call me 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 as it would require that we canvas each department at Metra for “any documents.” To conduct a building wide search for “any documents” would be disruptive to the day-to-day operations of Metra, thereby making that portion of your Request for “any documents” unduly burdensome. Since you did not reply to our March 21 email requesting that you narrow the scope of your Request to specific documents, or return my March 27 call, 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 to specific documents.

### **III. Right of Review**

You have the right to have the partial 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 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](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642