



April 22, 2019

VIA E-MAIL

Ms. AnnMarie Hilton
Research Assistant
Better Government Association
Email: ahilton@bettergov.org

RE: 19-FOIA-105 Railroad Contract Info

Dear Ms. Hilton:

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

I. Background

On April 8, 2019, we received your request for any and all contracts, contract amendments / modifications and any other records related to the contracts between Metra and the following partners for calendar years 2018 and 2019:

- Amtrak;
- BNSF Railway; and
- Union Pacific

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

II. Responsive Documents

In response to your Request, Metra is providing you with 2018 and 2019 records for:

- Amtrak – M30011-11 Fourth Amendment to Agreement Dated May 1, 1984, dated March 6, 2019; M30011-10 Chicago Union Station Standby Electric Power dated February 11, 2019; M30011-9 Letter Agreement re Milwaukee District North Line Change, dated October 18, 2018; M30260 Amendment Agreement Change Record (effective June 18, 2018) dated January 4, 2019; M3001-8 Letter Agreement re: New Operation Schedule for the BNSF (effective June 11, 2018) dated May 3, 2018; M30260 Amendment Agreement Change Record dated April 1, 2018, marked as “Draft”. Metra’s Contract Management Department informs us that this document dated April 1, 2018, was the final version and both parties concurred on its content per the attached email correspondence; M30011-7 Letter Agreement dated January 12, 2018; and M30011 CUS Lease, dated May 1, 1984

- BNSF Railway – *after performing a diligent search of Metra’s records, we are unable to locate any documents falling within the requested time frame of 2018 - 2019; however, we are providing the PSA between BNSF and Metra dated December 14, 2016, and*
- Union Pacific – *CL79116-1 Supplemental Agreement dated October 15, 2018; RE2218 Right of Entry Agreement dated August 20, 2018; CL79115-1 Supplemental Agreement dated July 18, 2018; and RE22057 Memorandum of Grant of Easement and Agreement dated May 3, 2018. Additionally, we are providing you with the Amended and Restated PSA with Exhibits, between the Union Pacific Railway and Metra dated January 1, 2010*

(“**Responsive Documents**”).

II. 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 Thomas Stuebner has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The unique identifiers of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” means 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. 5 ILCS 140/2(c-5).
2. Insurance information referenced in the Responsive Documents is redacted under Section 7(1)(s) of FOIA which authorizes units of government to withhold “[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 Thomas Stuebner, all information regarding insurance within the Responsive Document has been redacted.

III. Denial

Certain internal emails are withheld in their entirety as they contain recommendations and opinions, which are exempt from disclosure under Section 7(1)(f) of the FOIA. Section 7(1)(f) states records that are, “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” are exempt from disclosure. 5 ILCS 140/7(1)(f). The internal email correspondence contains certain recommendations and opinions, therefore, Attorney Keith Pardonnet has determined that the above-referenced internal emails are properly withheld under Section 7(1)(f) of the FOIA.

IV. 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.

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments