



January 20, 2017

VIA E-MAIL

Mr. Brian Shanahan
TC Union
Email: [REDACTED]

RE: 17-FOIA-005 Metra Station Agreements Southwest Service and Rock Island

Dear Mr. Shanahan:

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

I. Background

On January 9, 2017, we received your request for copies of public records that contain the resolution or contract authorizing entry into agreement with Metra for the operation and maintenance agreements for the following stations/villages/towns:

- Front Street Station, Mokena, (Rock Island District);
- Hickory Creek Station, Mokena (Rock Island District);
- New Lenox Train Station, New Lenox (Rock Island District);
- Midlothian (Rock Island District);
- Joliet Union Station (Rock Island District);
- Palos Park (Southwest Service);
- Palos Heights (Southwest Service);
- 143rd Street, Orland Park; (Southwest Service)
- Manhattan (Southwest Service); and
- Laraway Road Station, New Lenox (Southwest Service) (“**Request**”).

Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with copies of the following documents:

- Front Street Station, Mokena, IL Agreement;
- Hickory Creek Station, Mokena, IL Agreement;
- New Lenox Station, New Lenox, IL Agreement and Resolution;
- New Lenox Maintenance and Operation of Parking Facility Agreement;
- Midlothian Train Station Agreement;
- Joliet Union Station Agreement;
- Palos Park Train Station Agreement;
- Palos Heights Train Station Agreement;

- Palos Heights Parking Agreement;
- 143rd Street Station, Orland Park Train Station Agreement;
- Village of Manhattan Real Estate Purchase Agreement;
- Village of Manhattan Resolution;
- Laraway Road Station, New Lenox, IL Construction Agreement; and
- Laraway Road Station, New Lenox, IL Maintenance Agreement (“**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 Thomas Stuebner has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The insurance policy numbers mentioned in the Responsive Documents are being redacted because they are exempt from disclosure under Section 7(1)(c) of FOIA, which exempts “personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” Section 7(1)(c) goes on to say that, “‘Unwarranted invasion of personal privacy’ means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” It has been determined that the aforementioned data falls squarely within that definition and its redaction is appropriate under FOIA.
2. Under Section 7(1)(k) of FOIA, “Architects’ plans, engineers’ technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.” 5 ILCS 140/7(1)(k). As such, the redaction of these drawings is appropriate under FOIA.
3. 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, all information regarding insurance within the Responsive Documents has been redacted.

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 I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,



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

Attachments