



March 21, 2017

**VIA EMAIL**

Mr. Scott D. Lane

Lane & Lane, LLC

Email: [kevin@lane-lane.com](mailto:kevin@lane-lane.com)

RE: 17-FOIA-076 Records - [REDACTED] 1/26/2017

Dear Mr. Lane:

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 records pertaining to the fatality of [REDACTED] on January 26, 2017, at approximately 7:00 a.m., when [REDACTED] vehicle was struck by inbound Metra Union Pacific Northwest line train no. 610, as he attempted to cross the tracks on Nagle near its intersection with Avondale and Somerset in the Norwood Park neighborhood. Specifically, you requested:

1. Any and all videos of this incident (including, but not limited to, train dash cam, blue lights from nearby intersections, Citgo station, etc.);
2. Any and all photographs or videos of the scene, vehicles involved or individuals involved;
3. Any and all statements;
4. Any and all records, documents, notes or reports of any nature pertaining to this incident;
5. Any and all records, documents, notes or reports of any nature pertaining to any other train versus car incident at this crossing;
6. Any and all records, documents, notes or reports of any nature pertaining to inspections of this crossing for 10 years prior to this incident and to the present date;
7. Any and all recorder data of any nature pertaining to train information including, but not limited to, audio or video recordings, information regarding speed, or news, visibility/sight lines, brake application, etc.
8. Any and all police reports from any entity, including but not limited to Chicago Police, Metra Police and Union Pacific Railroad Police;
9. Any and all records and repmts [sic] from the NTSB;
10. Any and all records pertaining to sequencing of traffic signals and gates at the crossing and the intersection of Nagle, Avondale and Somerset;
11. Any and all drawings, surveys and measurements of the subject crossing;

12. Any and all inspection reports and maintenance records pertaining to the train at issue (number 610) since the date of this incident and for 5 years prior to this incident;
13. Any and all dispatcher tapes;
14. Any and all conductor logs and time and delay reports;
15. Any and all records pertaining to the speed of the train at issue including, but not limited to, any and all speed tapes;
16. Any and all data generated by any event recorder pertaining to the train at issue including, but not limited to, speed, brake pipe pressure, brake pipe pressure reduction, horn use, visibility, route, etc.;
17. Any and all railroad timetable for the train issue for the date of this incident;
18. Any and all railroad operating and safety rules that were in effect on the date of this incident;
19. Any and all documents pertaining to any event recorder on the locomotive at issue and provide the name and address of the manufacturer, date recorder was installed, maintenance records, and identify any and all information relevant to the software used to process the event recorder data;
20. Any and all audio tapes and or transcripts of tapes of conversations between any dispatcher and the engineers/conductor of the subject train on the date of this incident;
21. Any and all recordings and transcripts of 911 calls relating to this incident;
22. Any and all event queries relating to this incident;
23. Any and all Chicago Department of Transportation records or footage of this incident;
24. Any and all blue light camera (pod cam) footage of this incident;
25. Any and all documents of any nature pertaining to any complaints regarding the condition of said crossing or the functioning of the signals or gates at the subject crossing prior to the incident; and
26. Any and all documents of any nature pertaining to the incident at issue

(“Request”).

We contacted you by email on March 17 to advise that as written, your Request contemplated a voluminous amount of records from a number of departments. To gather such a large amount of records would be disruptive to the day-to day operations of those departments tasked with locating the requested records. Further, for the FOIA department to review these same records would interfere with our ability to process other FOIA requests. For these reasons, your Request as written would be unduly burdensome to fulfill. We also stated that we were willing to work with you to provide you with the records you needed, however, we asked that you consider narrowing the scope of your request with the understanding that you may submit future requests for additional records. We asked that you respond to our email to let us know if you were agreeable to narrowing the scope of your Request and to provide us with your revised scope. 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 and would be disruptive to the day-to-day operations of the various departments at Metra tasked with gathering the requested documents. Further, your Request would severely interfere with the day-to-day operations of our department to review such a large amount of documents and with our ability to fulfill other FOIA requests if required to take on this process; thereby making your Request for these documents unduly burdensome. Since you did not reply to our March 17 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.

## **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

Attachments