



July 2, 2019

VIA E-MAIL

Mr. Alexander Kramer

Email: akramer@coplancrane.com

RE: 19-FOIA-171 Info - Canadian Pacific Railroad

Dear Mr. Kramer:

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 June 26, 2019, we received your request for information pertaining to the lease agreement between Metra and Canadian Pacific Railroad; specifically, the terms of the agreement i.e. how much CP pays Metra to be able to use the track and the time period CP is allowed to use it. We acknowledged receipt of your request and asked if you would clarify if you were seeking a copy of a lease agreement between Metra and the Canadian Pacific, to which you replied you were (“Request”). Your Request is granted in part and denied in part.

We spoke by telephone on June 27, to discuss your Request. I explained that the Canadian Pacific agreement was quite large and rather than sending you hundreds of pages to review for those items you were most interested in obtaining information about, specifically: compensation to Metra, the term of the agreement and operating restrictions/curfews; I asked if you would accept only those documents that would directly provide you with this information. This of course, with the understanding that you may submit future requests for additional documents regarding this matter. You agreed to accept these specific documents for now.

II. Responsive Documents

In response to your Request, Metra’s Contracts Department is providing you with:

- **02-19-1985 Trackage Agreement**
See Article V, Section 5.2(g) for the Fixed Expense provision
See Article XII for the term
- **05-27-1993 Supplemental Agreement**
See item 6, Article VII, Section 7 for the provision governing CP’s capital contributions
See item 7, Article VIII, Section 8.15 for the operating restrictions/curfews; and
- **04-01-1993 Amendment Agreement**
See item 5 for additional compensation language

(“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 Keith Pardonnet has determined the personal financial information of the party mentioned in the Responsive Documents is redacted because it is exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Personal financial information” is specifically mentioned within the definition of “private information” found in Section 2(c-5) of 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