



March 15, 2017

**VIA E-MAIL**

Mr. Curtis A. James, Esq.  
Baum, Ruffolo & Marzal, Ltd.  
Email: [curtjames@brmlaw.org](mailto:curtjames@brmlaw.org)

RE: 17-FOIA-063 Parking Contracts; Revenue Statements

Dear Mr. James:

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 February 28, 2017, we received your request for:

1. The most recent contracts by and between the following entities: Metra, CPS Chicago Parking, LLC, Total Parking Solutions, Inc., and Cale America, Inc., that pertain to parking machine distribution, operation, maintenance and revenue collection;
2. The 2016 contracts for Total Parking Solutions, Inc. and CPS Chicago Parking, LLC, that provide for complete refurbishment of parking terminals owned by Metra and operated by CPS Chicago Parking, LLC; and
3. Revenue statements from the Brainerd, Great Lakes, and Schaumburg Metra stations that reflect: a) the total number of "daily fee" parking permits purchased by consumers per month for the year 2015, and b) the amount of money collected for "daily fee" parking permits per month for the year 2015

(“Request”).

**II. Responsive Documents**

In response to your Request, Metra is providing you with the following records / information:

1. The most recent contracts by and between the following entities: Metra, CPS Chicago Parking, LLC, Total Parking Solutions, Inc., and Cale America, Inc., that pertain to parking machine distribution, operation, maintenance and revenue collections:
  - (i) *Operation and Maintenance Agreement No.M30328, dated December 1, 2000, between Metra and Central Parking System of Illinois, Inc., d/b/a Allright Parking, with Exhibits and Amendments;*

- (ii) *Management Agreement No.M30357, dated December 1, 2005, between Metra and Central Parking System of Illinois, Inc., d/b/a Allright Parking, with Amendment; and*
- (iii) *The following contracts between Metra and CPS Chicago Parking, LLC, were previously provided to you in response to your FOIA request No.16-281:*
  - *Parking Facilities Operation And Maintenance Agreement No.M30496 dated October 1, 2011, and expiring on September 30, 2016, with Exhibits and Supplemental Agreement, dated May 15, 2015;*
  - *Operation and Maintenance Contract No.S61409, dated September 22, 2016, and expiring on September 30, 2023, with Exhibits and Addendum No. 1; Commencement Date Modification; and Change Order No. 1; and*
  - *The Notice of Award, the Management of Metra LaSalle Street Parking Facility Contract No. S61408, dated September 22, 2016, between Metra and CPS Chicago Parking, LLC, expiring on September 30, 2023, with Addendum No. 1; Exhibits; Commencement Date Modification; and Change Order No. 1*

*After performing a diligent search of Metra's records, we have been unable to locate any records responsive to "the most recent contracts by and between Metra, Total Parking Solutions, Inc., and Cale America, Inc. Metra's Real Estate & Contract Management department advised that Metra was not a party to any contracts by and between Total Parking Solutions, Inc. or Cale America, Inc., and as such, does not possess these contracts;*

2. *The 2016 contracts for Total Parking Solutions, Inc. and CPS Chicago Parking, LLC, that provide for complete refurbishment of parking terminals owned by Metra and operated by CPS Chicago Parking, LLC; - After performing a diligent search of Metra's records, we have been unable to locate any records responsive to this portion of your Request. Metra's Real Estate & Contract Management department advised that Metra was not a party to any contracts between Total Parking Solutions, Inc. and CPS Chicago Parking, LLC, and as such, does not possess these contracts; and*
3. *Revenue statements from the Brainerd, Great Lakes, and Schaumburg Metra stations that reflect: a) the total number of "daily fee" parking permits purchased by consumers per month for the year 2015, and b) the amount of money collected for "daily fee" parking permits per month for the year 2015 – Monthly revenue statements for year 2015 for the above-referenced locations. Please note that the "daily fee" is composed of the following line items:*

- *Monthly Collection Revenue (pay at the manual box or automated machine);*
- *Monthly Park Mobile (pay via the mobile app);*
- *The daily fee is \$1.50; to pay the daily fee via the mobile app incurs a .35 surcharge, making the total daily fee via the mobile app \$1.85; and*
- *Monthly Conv. Pass (Monthly Convenience Pass) is \$30 per month*

(“**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 Jamie Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information of the party mentioned in the Responsive Documents is being redacted because it is exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” is defined as 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. Private information also includes home addresses and personal license plates which are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA. (5 ILCS 140/2(c-5)).
2. 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, per Attorney Jamie Harrmann, all information regarding insurance within the Responsive Document 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:

Mr. Curtis A. James, Esq. / Baum, Ruffolo & Marzal, Ltd.  
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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.

Sincerely,



Kathleen E. Haton  
Freedom of Information Officer  
[FOIA@metrarr.com](mailto:FOIA@metrarr.com)  
FOIA Hotline #312-663-3642

Attachments