



September 10, 2019

VIA E-MAIL

Mr. Jacob McCarthy
[REDACTED]

RE: 19-FOIA-245 IL Tollway Reconstruction

Dear Mr. McCarthy:

Metra's FOIA Department ("FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("**FOIA**").

I. Background

On August 23, 2019, the FOIA Department received your request for "any records pertaining to the Illinois Tollway reconstruction of the Burlington Northern Santa Fe (BNSF) Railway Bridge between Hinsdale and Western Springs. Specifically, I am requesting copies of any discussions you've had with BNSF or the Illinois Tollway on service impacts" ("**Request**").

The FOIA Department sent you an email on August 27, asking you to call and discuss your FOIA request, however, you did not respond. The FOIA Department reached out to you via email on August 30 seeking clarification as to the types of records you were requesting. You responded stating you were "seeking any records of communication Metra has had with BNSF or the Illinois Tollway on the impacts of Metra service that the reconstruction of the (BNSF) Railway Bridge over the I-294 between Hinsdale and Western Springs."

In an email sent to you on September 5, the FOIA Department informed you that in order to fulfill your request as written seeking "**any** record of communication" Metra's various departments would need to review every record in their possession that may or may not be responsive to your Request, causing excessive disruption of Metra's day-to-day operations, including the FOIA Department's ability to fulfill other requests. The FOIA Department has determined that compliance with your Request, as written, would be unduly burdensome. Accordingly, the FOIA Department requested that you narrow the scope of your Request to manageable proportions and asked that you respond to this email and let us know if you are agreeable to narrowing the scope of your request as noted and if so, to please also provide us with your new narrowed scope of request in response.

To date, the FOIA Department has not received a response from you narrowing the scope of your Request. Accordingly, your Request is denied.

II. Denial

Your Request is denied 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

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the day-to-day operations of the various departments within Metra tasked with locating the requested records. Additionally, the FOIA Department would need to review any records that may be responsive to your Request, severely interfering with the day-to-day operations of our department; and interfering with our ability to fulfill other FOIA requests, thus making your Request for these records as written unduly burdensome. Since you did not reply to our email requesting that you narrow the scope of your Request, it has been determined by Attorney Aruj Chaudhry 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 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

Sincerely,



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