



June 24, 2019

VIA EMAIL

Mr. James J. Balonek
Brotherhood of Locomotive Engineers and Trainmen
Email: jjblet815@comcast.net

RE: 19-FOIA-142 Info Re Derailment on 2017-02-07 at 51st St. Yard

Dear Mr. Balonek:

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 May 24, 2019, we received your request for copies of public records that relate to the derailment incident that occurred at the 51st Street yard facility on the Rock Island District on or about February 7, 2017, including any and all information that relates to mechanical / equipment damage; track / roadbed damage; discipline assessments; and final costs associated with equipment and track repair including but not limited to labor and material costs. You also requested a statement made regarding the final determination of this incident (“**Request**”).

On June 7, 2019, I reached out to you via telephone to confirm the date and location of the derailment referenced in your Request. At that time, I also requested additional time within which to issue our Response to your Request. On that same date, you clarified that the date and location of the derailment you wished to receive information about could be either February 6th or 7th (2017) at either the 47th or 51st Street yard facilities. Additionally, you granted us until June 24, 2019, to issue our Response. Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s Mechanical department is providing you with Metra Police Report No. MP-17-0005278; a PowerPoint, a table, graph, and .TXT file, all showing the data downloaded from the derailed locomotive; photographs; and a Damage Expense Documentation form, a Work Report, and Time Keeping records related to the repair work done as a result of the derailed locomotive (“**Responsive Documents**”).

Metra’s Mechanical, Transportation, Labor Relations, and Human Resources departments were unable to locate any records related to charges filed or discipline assessed relative to this matter. Additionally, we have not located and are unable to provide you with a statement regarding the final determination of the derailment.

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 that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, passwords and other access codes, and personal telephone numbers of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Employee identification numbers,” “passwords and other access codes,” and “personal telephone numbers” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The physical descriptions of the parties mentioned in the Responsive Documents are 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.
3. The video of the derailment captured on a fixed facility surveillance camera at Metra’s 47th/51st Street Yard facility is denied in its entirety under Section 7(1)(v) of FOIA which states in pertinent part:

“Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community’s population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public...”

As such, Attorney Keith Pardonnet has determined the denial of the surveillance video is appropriate under Section 7(1)(v) 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 I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela K. Ollie".

Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments