

February 19, 2016

**VIA E-MAIL**

Ms. Rachael Smith  
Albukerk & Associates  
[REDACTED]

RE: 16-FOIA-035 Minutes or Video - Safety Committee Meetings After 12/1/2015

Dear Ms. Smith:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

**I. Background**

On February 12, 2016, we received your request for a copy of the minutes or video from any Safety Committee meetings that occurred after the December 1, 2015, meeting that is available online (“Request”). Your Request is granted in part and denied in part.

**II. Responsive Document**

In response to your Request, Metra is providing you with a link to our website where you may access the Safety Committee meetings: [https://metrarr.granicus.com/ViewPublisher.php?view\\_id=2](https://metrarr.granicus.com/ViewPublisher.php?view_id=2). Scroll down to “Available Archives” and select “Safety.” There you will find the video for the Safety Committee meeting held on December 10, 2015 (“Responsive Document”).

**III. Denial**

The Safety Committee minutes for December 10, 2015, are denied under Section 7(1)(a) of FOIA which exempts, “[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.” 5 ILCS 140/7(1)(a). Per the Open Meetings Act (“OMA”) Section 2.06(b), “[a] public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later.” 5 ILCS 120/2.06(b). The minutes from the Safety Committee meeting held on December 10, 2015, have not been approved by the Safety Committee. As such, attorney Thomas Stuebner has determined that the withholding of these records is proper under FOIA and the OMA. The Safety Committee typically meets twice a year. In accordance with the OMA the minutes requested will be approved at the next meeting, which has yet to be scheduled.

**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](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