

April 5, 2016

VIA E-MAIL

Ms. Marni Pyke

Daily Herald

Email: mpyke@dailyherald.com

RE: 16-FOIA-052 Heritage Corridor Info

Dear Ms. Pyke:

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 March 1, 2016, we received your request for “[c]opies of all reports, analyses, and communications regarding Metra adding another train to the Heritage Corridor Line on weekday afternoons. I also ask for any cost break downs and ridership analyses.” On March 14, 2016, we contacted you and asked if you would consider narrowing down the scope of your request. On March 15, you agreed to narrow the scope of your request down to a three month time period (December 1, 2015 – February 29, 2016) (“**Request**”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with the responsive communications and documents between December 1, 2015 and February 29, 2016 (“**Responsive Documents**”). Please see the attached file.

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 Thomas Stuebner has determined that certain emails and documents contained within the Responsive Documents have been redacted under Section 7(1)(f) of FOIA. Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated ...[.]” 5 ILCS 140/7(1)(f). As such, Attorney Thomas Stuebner has determined that the aforementioned emails and documents are properly redacted under Section 7(1)(f) of FOIA.

IV. Denial

Preliminary proposals, drafts, notes, revisions are being withheld under Section 7(1)(f) of FOIA. As provided above, Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated ...[.]” 5 ILCS 140/7(1)(f). As such, Attorney Thomas Stuebner has determined that the aforementioned emails and documents are properly redacted under Section 7(1)(f) of FOIA.

Email correspondence between Metra and its attorneys is also being withheld under Section 7(1)(m) of FOIA. 5 ILCS 140/7(1)(m) authorizes exemption from disclosure of “[m]aterials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body...”. As such, Attorney Thomas Stuebner has determined that the aforementioned correspondence is properly redacted under Section 7(1)(m) of FOIA.

V. 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,



Jamie V. Harrmann
Freedom of Information Officer
FOIA@metrarr.com

Attachment