



June 8, 2016

VIA EMAIL & U.S. MAIL

Mr. David Nemeroff
Nemeroff Law Offices, Ltd.
Attorneys and Counselors at Law
180 N. LaSalle St., Ste. 3112
Chicago, IL 60601

RE: 16-FOIA-144 Documents - [REDACTED] Accident May 15, 2016

Dear Mr. Nemeroff:

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 June 1, 2016, we received your request for any and all:

1. Documents;
2. Records;
3. Reports;
4. Statements;
5. photographs/videos;
6. police reports;
7. accident reconstruction reports;
8. black box records/reports/findings;
9. 911 recordings;
10. Recordings of radio transmissions; and
11. Any and all other items which comprise the investigation of the above-referenced accident

(“Request”).

In an email we sent to you on June 2, 2016, we advised that your Request as written was overly broad. To gather and review all of the records requested would be disruptive to the day-to-day operations of our department, and would inhibit our ability to process other FOIA requests. We stated that we would be willing to work with you in order to provide you with the information requested, and asked if you would consider narrowing the scope of your Request to those records you wanted now, with the understanding that you could submit future requests for additional documents. You responded that same day stating that you were only seeking at this time those items on your list pertaining to the May 15, 2016, accident

involving [REDACTED]. On June 3, we replied to your email again advising that your Request as written was overly broad. We indicated that the police report was readily available and asked if you would consider narrowing your request to this report for now, with the understanding that you could submit future requests for additional records. You responded that same day stating that you saw nothing overly broad in your request, or unduly burdensome. Since you are unable to narrow the scope of your Request, your Request is being denied as unduly burdensome.

Your check #24435 in the amount of \$20.00 is enclosed.

II. Denial

We are denying your Request 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.” We advised that to fulfill your Request as written would severely interfere with the day-to-day operations of our department, and limit our ability to fulfill other FOIA requests. While we understand your belief that because this is one accident, as an operating railroad, Metra has many departments involved; each of which collects its own materials for a myriad of different purposes. Metra FOIA Officers would be unable to gather, process, and review all such records without interfering with other activities and FOIA requestors, and Metra believes in this instance, the public’s interest is limited. As such, since you are unable to narrow the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request is unduly burdensome and falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope, understanding that you may submit future requests for additional records.

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 partial denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

Mr. David Nemeroff / Nemeroff Law Offices, Ltd.

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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
FOIA Hotline #312-663-3642

Enclosure – Check #24435