



September 20, 2016

VIA E-MAIL

Ms. Gloria Henderson
c/o Ms. Becky R. Bloom
Attorney at Law
Shimanovsky & Moscardini, LLP
Email: bbloom@elsm.com

Re: 16-FOIA-226 Information - South Shore Line

Dear Ms. Henderson:

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

I. Background

On September 6, 2016, we received your request for the following:

1. Information regarding that portion of the 17 million dollar grant to Metra earmarked to repair infrastructure problems (water leaking, replacing wooden beams with current code beams and replacing eroded gutters) in the retail spaces located under the Metra tracks at 51st street, 53rd street, and 57th street. Specifically, copies of supporting documents articulating what grant funds were earmarked for what specific work in and above retail spaces under the 51st, 53rd, and 57th street stations. Additionally, you requested documents proving that this work was done;
2. Copies of documents that clearly show that worn-out wooden beams above the retail stores, under the Metra tracks at 51st street, 53rd street, and 57th street were replaced with current code-standard beams;
3. Copies of documents related to the retail space at 1551 E. Hyde Park Blvd. Specifically, copies of safety inspection reports, corrective action recommendation reports, infrastructure changes, work orders, punch list and any work done on this particular site between 1995 and 2016; and
4. Information regarding gutters being placed "inside" any of the retail spaces, under the Metra tracks at 51st Street, 53rd Street, and 57th Street, and if gutters have been placed "inside" any retail spaces at these specific locations; and copies of the following documents: structural inspection reports, architectural renderings, city inspection approvals and City Health Department sign-offs

(“Request”).

We sent you correspondence by U.S. mail on September 16, advising that upon further review of your Request, it was determined your Request as written involved a voluminous amount of documents to be gathered and reviewed. Additionally, older records dating back 10 years or more are not available

electronically and would require records to be manually pulled and scanned to a PDF format. As of this time, we have received 14 boxes of records from storage that contain potentially responsive materials. Review for responsiveness and redaction of relevant files would be disruptive to the day-to-day operations of the departments tasked with gathering this information and would also be disruptive to the day-to-day operations of the FOIA department, inhibiting our ability to process other FOIA requests. We indicated 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 one or two specific years of a specific type of document for one specific location, with the understanding that you may submit future requests for additional information.

As we have received no response from you regarding the narrowing of your Request, and because it is not possible for Metra to produce, review, and provide the responsive documents before the deadline without interfering with our operations; and further, because the public interest in this information does not outweigh Metra's need to conduct its regular business your Request is denied.

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.” Your Request as written involves a voluminous amount of documents. As indicated, we have received 14 boxes of records from storage that contain potentially responsive materials. Review for responsiveness and redaction of relevant files would be disruptive to the day-to-day operations of the departments tasked with gathering this information, and would also be disruptive to the day-to-day operations of the FOIA department, inhibiting our ability to process other FOIA requests. As such, since you did not reply to our correspondence requesting that you narrow the scope of your Request, and it is not possible for Metra to produce, review, and provide the responsive documents before the deadline without interfering with our operations; and additionally, the public interest in this information does not outweigh Metra’s need to conduct its regular business, it has been determined by Attorney Thomas Stuebner 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 as suggested above.

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

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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.

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](tel:312-663-3642)