



August 14, 2019

VIA E-MAIL

Mr. Adam Kingsley

Kingsley Law Group

Email: adam@kingsleylawgroup.com

RE: 19-FOIA-207 Antioch Rail Yard Info

Dear Mr. Kingsley:

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 August 2, 2019, we received your request for:

1. All documents that reflect complaints or concerns raised by neighboring property owners, or other individuals or businesses regarding noise emanating from the Antioch rail yard located at 401 Kairys Street, Antioch, IL in 2018 or 2019;
2. All documents relating to any investigation regarding complaints of noise emanating from the Antioch rail yard, or regarding locomotive idling at the Antioch rail yard in 2018 or 2019;
3. All data or information kept or recorded regarding locomotive idling at the Antioch rail yard, including data regarding the dates and/or times of idling, and any measurement of noise and vibrations in 2018 or 2019;
4. All documents related to any action suggested/recommended, or any action taken, to address noise emanating from the Antioch rail yard in 2018 or 2019;
5. Current policies, procedures or guidelines regarding the idling of locomotives at the Antioch train yard or at any other train yard;
6. Current policies, procedures or guidelines regarding compensation to property owners affected by noise and/or vibrations emanating from trains or equipment; and
7. Current policies, procedures or guidelines regarding the acquisition of property affected by noise and/or vibrations emanating from trains or equipment

(“Request”). Your Request is granted in part and denied in part.

In response to your Request, Metra is providing you with the following records for item nos.:

1. One (1) IssueTrak Service no. 38424 complaint dated 11/05/2018 and 14 emails; and
5. Antioch Yard Locomotive Handling document;

After performing a diligent search of Metra’s records, we have been unable to locate any records responsive to items 3, 4, 6 & 7 of your Request. Metra’s Transportation, Mechanical, Engineering, Strategic Planning, Training, Safety and Real Estate departments advise no responsive records were located by their departments.

II. 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 personal telephone number, personal email address and home address of the party mentioned in the Responsive Documents is redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Private information" means unique identifiers, including personal telephone numbers, personal email addresses and home addresses. 5 ILCS 140/2(c-5).

III. Denial

As for item no. 2 of your Request, the Claims' department investigation notes are withheld under Section 7(1)(f) of FOIA, which states that records that are, "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]" are exempt from disclosure. 5 ILCS 140/7(1)(f). The aforementioned investigation notes contain recommendations and opinions and as such, Attorney Keith Pardonnet has determined their exemption is proper under the 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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments