

August 27, 2015

VIA E-MAIL

Mr. James P. Bateman
Attorney at Law
Bateman Law Offices, Ltd.
Email: jbateman@batemanlawltd.com

RE: 15-FOIA-161 Info - Commuter Parking Lots - Village of Barrington

Dear Mr. Bateman:

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 12, 2015, we received your request for any documents relating to any grant agreements, rules, regulations or other documents restricting or controlling the use of the commuter parking lots located in the Village of Barrington, Illinois (“**Request**”).

We sent you an email on August 17th, asking if you would consider narrowing down the scope of your Request because as written your Request was overly broad. You responded later that day stating that we were obligated to consult with you to assist you in narrowing your request. On August 18th, Metra attorney Thomas Stuebner responded to your email stating that to the extent that you were requesting “any documents relating to any grant agreements, rules, regulations or other documents restricting or controlling the use of the commuter parking lots located in the Village of Barrington,” this would encompass multiple departments searching both on and offsite storage for files over a period in excess of twenty years. Mr. Stuebner then asked if the agreements/contracts would suffice as these documents should cover controls/restrictions over the use of the property. In your response later that day, you stated that your request was already narrow in that it was asking for documents relating to any agreements, rules, regulations, or other documents restricting or controlling the use of only those few commuter lots located in the Village of Barrington. You also noted that you would agree to an extension of time for Metra to locate these records. Given the overly broad nature of the request, Metra is unable to agree to such an extension of time.

On August 19th, Mr. Stuebner responded to your August 18th email stating that Metra was not willing to agree to an extension of time, nor could we fulfill the Request as written as we believe it is unduly burdensome. As written, your Request is open ended as to the type and nature of documents and spans over two decades of material. As mentioned above, we offered a suggested scope, based on the initial inquiry, of those agreements restricting or controlling the Barrington commuter lots. We also asked if there was an alternative suggestion or something specific you were looking for, we would consider it. As you have not responded to our August 19th email asking for an alternative suggestion or something specific you were looking for, 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.” The Request contemplates an indefinite quantity of documents spanning decades, much of it in paper form and located in off-site storage facilities. As was explained to you in Mr. Stuebner’s August 18th email, multiple departments would have to gather and sort through large volume of material to identify responsive documents. Metra’s employees simply cannot ignore their typical responsibilities for the effort this type of request would require. Further, review for exemptions would interfere with the FOIA department’s ability to respond to other requestors. Metra believes any public interest would be limited, and such limited interest cannot justify such a severe disruption of Metra’s day-to-day operations. Since you did not reply to our August 19th email asking for an alternative suggestion or something specific you were looking for, it has been determined by Attorney Thomas Stuebner that your Request falls within the parameters of 5 ILCS 140/3(g).

Metra is however, providing you with documents which we believe are responsive and will satisfy your Request for agreements restricting or controlling the Barrington commuter lots:

- A copy of the Parking Lot Management Agreement Between the Commuter Rail Division of the Regional Transportation Authority and the Village of Barrington dated May 10, 1993; and
- FTA Grant Agreements numbers IL-90-X075-01 and IL-90-X351 relating to commuter parking lots in the Village of Barrington

(“**Responsive Documents**”).

You may access the Responsive Documents via Metra’s file transfer protocol (“**FTP**”) site. Direct your browser to <https://ftp.metrarr.com/>. The user name is: **foia13** and the case sensitive password is: **3080FXcY**. Access to this FTP site will expire September 9, 2015. *If you require additional time to download these documents, please let us know prior to the expiration date.*

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.

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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,

A handwritten signature in blue ink that reads "Kathleen E. Haton". The signature is cursive and fluid.

Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com