



July 8, 2019

VIA E-MAIL

Mr. John C. Coyne
Law Offices of John C. Coyne
Email: jcc@johnccoynelaw.com

RE: 19-FOIA-175 Elmhurst Metra Station Info

Dear Mr. Coyne:

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 July 1, 2019, we received your request for the following information:

- Any and all contracts, including service and use of rail contracts, invoice(s), requisition(s), work order, maintenance schedule(s) and service request(s) pertaining to the maintenance, inspection, repair, or upkeep to the platform(s) and sidewalk(s) adjoining the rail road tracks at or near the Elmhurst Metra Station for the time period November 21, 2018 and 60 days prior thereto;
- Any and all contracts, including service and use of rail contracts, invoice(s), requisition(s), work order, maintenance schedule(s) and service request(s) pertaining to the maintenance, inspection, repair, or upkeep to the platform(s) located west of the South Metra train station/shelter in the vicinity of 124 West Park, in the City of Elmhurst, Count of DuPage, State of Illinois, for the time period November 21, 2018 and 60 days prior thereto;
- Any and all contracts, including service and use of rail contracts, invoice(s), requisition(s), work order, maintenance schedule(s) and service request(s) pertaining to the maintenance, inspection, repair, or upkeep to the platform which is identified as the site of the fall and injuries sustained by Mr. Vincent Incopero, on or about November 20, 2018, as set forth in Elmhurst Police Department Non-Crime Police Report No. EL 18047526.1; Case No. EL 18047526 and report date of November 20, 2018

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

II. Responsive Document

In response to your Request, Metra’s Contracts Department is providing you with a copy of the Purchase of Service Agreement between Metra and the Union Pacific Railroad (“UP”), which governs the UP’s operation of commuter service to Elmhurst (“Responsive Document”).

After performing a diligent search of Metra’s records, we have been unable to locate any further records responsive to your Request. The Elmhurst Metra Station is owned by the UP and maintained by the Village of Elmhurst.

We contacted the UP for any documents that would be responsive to your Request. The UP responded to our inquiry for records stating that any such records that may be in its possession would not be considered a public record subject to disclosure under the Purchase of Service Agreement between Metra and the UP, or the FOIA.

With regard to the Village of Elmhurst, you may submit your Request for records to the Village by visiting this link: <https://www.elmhurst.org/129/Request-for-Public-Records-FOIA>.

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, Section 7(1)(s) of FOIA authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Keith Pardonnet, all information regarding insurance within the Responsive Documents has been redacted.

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

Attachment