



October 21, 2019

VIA E-MAIL

Mr. Joseph Durso

MuckRock News

Email: 81337-81752130@requests.muckrock.com

RE: 19-FOIA-302 Metra FRA Plans

Dear Mr. Durso:

Metra's FOIA Department (the "FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA").

I. Background

On October 7, 2019, the FOIA Department received your request for "the following records, as pertain to the passenger train services operated by Metra itself:

1. The current conductor certification/qualification plan submitted to and approved by FRA in accordance with 49 CFR 242 (or predecessor regulations).
2. The current engineer certification/qualification plan submitted to and approved by FRA in accordance with 49 CFR 240 (or predecessor regulations).
3. The current passenger train emergency preparedness plan (aka 'E-plan') submitted to and approved by the FRA in accordance with 49 CFR 239 for the Metra-operated passenger rail service."

("Request"). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, the FOIA Department is providing you with Metra's Locomotive Engineer Certification Submission (49 CFR 240) and Metra's Program for Certification for Railroad Conductors (49 CFR Part 242) ("**Responsive Documents**").

III. Denial

With regard to item no. 3 of your Request, Attorney Aruj Chaudhry has determined that *Metra's Program Compliance Submission for Passenger Train Emergency Preparedness* (49 CFR 239) is denied in its entirety under Section 7(1)(v) of FOIA. Section 7(1)(v) exempts "[v]ulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measure or the safety of the personnel who implement them or the public." 5 ILCS

140/7(1)(v). The aforementioned data falls squarely within this definition and denial of this document is appropriate under FOIA.

Attorney Aruj Chaudhry has also determined that the test questions contained in the above referenced document are withheld in their entirety under Section 7(1)(q) of FOIA which exempts from disclosure, “[t]est questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.” 5 ILCS 140/7(1)(q). The aforementioned data falls squarely within this definition and denial of this information is appropriate under 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 I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments