



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 16, 2010

Briggett Pawlak
Freedom of Information Officer
Chicago Transit Authority
567 West Lake Street
Chicago, IL 60661-1498

RE: Pre-Authorization Request – 2010 PAC 9644
Requester: Jon Hilkevitch

Dear Ms. Pawlak:

We have received and reviewed the written notice from the Chicago Transit Authority (CTA) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On August 24, 2010, Mr. Hilkevitch requested records relating to the study of a proposed airport express rail service between downtown Chicago and O'Hare International Airport. The CTA asserts that three of the responsive records are exempt from disclosure under Section 7(1)(f) of FOIA.

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Determination

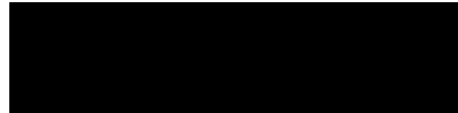
The CTA's use of the exemption in Section 7(1)(f) with regard to these three records is approved. These records contain opinions and recommendations, and they are being used to formulate the CTA's actions with respect to potential express rail service to O'Hare International Airport. The CTA has asserted that none of these records has been publicly cited or identified by the head of the CTA. Thus, the CTA has met its initial burden of demonstrating that the documents in question are exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, please feel free to contact me at (312) 814-2086.
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Sarah Kaplan
Assistant Public Access Counselor

cc: Jon Hilkevitch
Chicago Tribune Transportation Reporter
435 N Michigan Ave
Chicago, IL 60611

9644 preauth 71f prelim draft reg auth