

**FREEDOM OF INFORMATION ACT
APPEAL**

"It is the public policy of this state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with [the Freedom of Information Act]. The people shall be informed so that they may fully participate in the democratic process."

Kestenbaum v Michigan State Univ, 414 Mich 510 (Michigan Supreme Court)

Introduction

This appeal concerns a Freedom of Information Act request I filed with the ITP/The Rapid on February 22, 2011. I've attached a copy of the original request as Exhibit A to this appeal. In my request, I asked for information regarding ridership, expenses, and the proposed Silver Line bus route. I also requested a fee waiver because the information I requested was in the public interest and no personal or commercial gain were to be had in receiving this information. I intended to post the information on our itpwatch.org web site for public consumption in the lead up to the May 3 election and beyond for the public's reference and information. Much of this information has now been posted and more is being made publicly available each week.

I received a reply from the CEO of The Rapid on March 4, requesting an extra 10 days under the Act, as well as denying my request for a fee waiver. This reply is attached as Exhibit B. The letter stated that it was inefficient for the ITP to provide information to voters prior to a millage election. Therefore, my request for a fee waiver was denied.

On March 21, I received The Rapid's final response to my request. The package I received was in a cardboard box and contained nearly 1700 pages of information. Along with the documents, I received a bill for over \$450. This bill and its accompanying letter are attached as Exhibit C.

This appeal concerns four specific elements of The Rapid's responses to my FOIA request:

1. The ITP improperly denied my request for a fee waiver under the Act,
2. The ITP improperly charged me a higher wage rate than the lowest rate available for someone who could have fulfilled the request,
3. The ITP acted arbitrarily and capriciously in responding my request without seeking out clarification or further specificity as to the documents requested. The ITP's response is vindictive, in bad faith, and contrary to standard ITP procedure.
4. The ITP's decision to unilaterally expend substantial time and money was entirely gratuitous.

Background

The organization that I am a founding member of, Kent County Families for Fiscal Responsibility, created a project named ITP Watch in 2009, following the defeat of The Rapid's millage request in May of that year. The ongoing purpose of ITP Watch is to post operational data, such as budgets, ridership figures, and other information on the Internet for the taxpaying citizens of the six cities to review. We post this information because the ITP is the least transparent government entity in the county. Pursuant to this mission, about once a year I send an email to The Rapid's staff, asking for a copy of the latest full budget. The Rapid's staff was initially helpful, but in the last couple of years I've received resistance. The last time I requested a budget I was told that it was too big and they would not be sending it to me.

In the last month I again emailed The Rapid's staff, asking for information on the specific route and timetable of the proposed Silver Line route. The Rapid's web site previously stated (before rapidsilverline.org was removed from the Internet) that the Silver Line would run its full route in 35 minutes. The web site has subsequently changed to state that it will get riders to the Medical Mile in about 27 minutes. Because of this ambiguity, I asked for detail on this timetable and route. The email response I received was "We've not yet developed a specific timetable."

I was confused by this because of the claims of speed that were being made in the promotional material produced by The Rapid. Upon contacting The Rapid, I was told that there was no timetable. Therefore I readied a FOIA request to get this, along with other operational data that The Rapid does not make available on its web site.

As I was preparing my FOIA request, we released a story that The Rapid's hybrid-electric buses were vastly underperforming their publicly-touted benefits. The Rapid stated in 2007, according to the Grand Rapids Press, that those buses would double the gas mileage of a traditional bus. Another individual previously requested gas mileage data from The Rapid and recently made this data available to us. We posted The Rapid's FOIA response, which stated that the hybrid-electric buses were getting 5.13 miles per gallon while the traditional buses were getting 4.45 miles per gallon. Upon our release of this information, The Rapid's spokesperson is quoted in the Grand Rapids Press as stating that The Rapid has no record of our request, implying that we were lying. We have since posted the entire FOIA response, on The Rapid's letterhead, with the information that The Rapid provided. We were surprised that The Rapid's staff would deny the authenticity of its own documents.

It is after this story ran that I mailed my FOIA request. This was the first time I had ever sent a FOIA request to The Rapid. I have sent FOIA requests to several other government bodies in the past, at the local, state, and federal levels. The response of The Rapid's staff was, without a doubt, the most obstructive and vindictive FOIA response I've ever received. I'm stunned by the bad faith shown by your staff.

Traditionally, when sending a FOIA request, the FOIA Coordinator of the government body which received the request would contact me if the amount of the request would exceed \$50. Other agencies generally work with the requestor to clarify the request and pinpoint the specific information being requested to minimize cost and time, for both parties.

We have copies of two prior FOIA responses sent by The Rapid to other requestors not affiliated with our group. In both of these letters, The Rapid's staff follows this standard procedure. As you can see in Exhibit D, The Rapid's staff contacted the requestor over the phone to simplify and hone the request. As you can see in Exhibit E, The Rapid's staff contacted the requestor with an estimate of time and cost for retrieving the information requested.

Contrary to this standard ITP procedure (and the standard procedure of every other government I've dealt with); The Rapid's staff shotgunned my request and made copies of everything and anything they could, just to run up the bill and provide superfluous information. This sort of behavior should make all taxpayers take pause and question The Rapid's contempt for openness.

The Rapid is saying to taxpayers, in effect, "We refuse to publish any meaningful and timely operational data about The Rapid online, and don't ever dare ask us for information through the Freedom of Information Act, because we will bill you hundreds of dollars, just for asking."

It is becoming clearer and clearer that The Rapid does not want the public to understand its operations.

The Rapid's behavior pursuant to this request results in a chilling effect on the public's ability to use the Freedom of Information Act to legitimately request data that should be publicly available.

Grounds for Appeal

1. The ITP improperly denied my request for a fee waiver under the Act.

Michigan's Freedom of Information Act, Section 4 (MCL 15.234(1)) states, in part, "A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public."

Although there is no Michigan case law interpreting this section of the Act, the federal Freedom of Information Act has extremely similar wording. See 5 U.S.C. § 552 (4)(A)(iii): "Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

Both acts make it clear that information released under the act should be under a reduced or waived fee if doing so is in the public interest and not primarily in the furtherance of a commercial interest. The state act is clear—a waiver should be granted if it "is in the public interest and furnishing copies . . . can be considered as primarily benefiting the general public." The federal act

uses similar language, "if disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor."

Both use functionally the same standard. As long as the request is in the interest of the public and not primarily for a commercial purpose, a waiver should be granted under state law. While federal law contains two distinct standards—the contribution to public understanding of the operations of government *and* the request not being in the commercial interest of the requestor—state law has only one standard; ". . . searching for or furnishing copies of the public record ***can be considered as primarily benefiting the general public.***" (Emphasis added).

Although federal case law only interprets the federal act, the marked similarity of the two acts results in federal court opinions being persuasive legal authority.

According to the Federal Ninth Circuit Court of Appeals, the fee waiver portion of the Federal Freedom of Information Act "is to be liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation v Carlucci*, 835 F2d 1282, 1284 (CA 9 1987). In that case, requestors asked for a FOIA waiver in their initial request. The agency which received the request, the U.S. Department of Defense, had doubts about the public interest being served by the fee waiver request. As a result, the Department of Defense followed up the initial request with additional questions to resolve those doubts.

Of course, in this case, the ITP did no such thing. The ITP's response to my fee waiver request was a meaningless statement, devoid of any analysis of the basis of the waiver request. The ITP's letter stated: "As a publicly funded entity, it is our responsibility to use our resources as efficiently as possible. To that end, any staff time and resources expenses on this request should be charged to the requesting party." This response was signed by Peter Varga, the CEO of the ITP, with a carbon copy to the ITP's outside attorney (another odd move by a government agency).

The very fact that the ITP proceeded, without any attempt at clarifying or analyzing the basis for the fee waiver request, implicates the absolute opposite of efficiency. The ITP's staff was more than simply negligent in its response, it was malicious. It seems as though the staff of the ITP has not heard of the basic concept of due process of law.

Court cases which are similar to this situation are difficult to find, likely because government agencies just don't behave this way, but in one federal District Court case, a non-profit organization was requesting information from the Bureau of Land Management. The BLM denied the waiver request: "In denying WWP's appeal, the FOIA Appeals Officer found that WWP failed to meet requirement two because WWP did not adequately demonstrate its ability to reach a sufficiently broad audience and because the request was not 'reasonably specific' on how the information would contribute to the general public's understanding." *W Watersheds Project v Brown*, 318 F Supp 2d 1036, 1039-40 (D Idaho 2004). The court reversed this ruling and determined that the non-profit organization was reasonably specific when its request stated, "The Court finds that WWP adequately specified the public interest to be served, that is, educating the public about the

ecological conditions of the land managed by the BLM and also how the public grazing management strategies employed by the BLM may adversely effect the environment." *Id.* at 1040.

In my initial letter to the ITP, my stated reason for the waiver request was worded as such: "we request a waiver of any fees because the information requested above is in the public interest and the release of this information would primarily benefit the general public. The information requested is extremely relevant to the upcoming millage request and the taxpaying public deserves to understand the operations of the ITP."

The ITP is surely aware of our activities to publicize operational data about the ITP and our lack of commercial interest in doing so. We know this because our Internet logs show ITP staff members browsing the ITP Watch web site on a regular basis.

If the ITP's staff analyzed any factors in determining our qualification for this exemption, I would surely like to know how the determination was made. Nevertheless, as previously pointed out, no rationale or logic was presented in the initial FOIA response letter from the ITP (Exhibit B).

2. The ITP improperly charged me a higher wage rate than the lowest rate available for someone who could have fulfilled the request.

Michigan's Freedom of Information Act, at section 4(3) states, in part, "[A] public body may not charge more than the hourly wage of the lowest paid public body employee capable of retrieving the information necessary to comply with a request under this act. Fees shall be uniform and not dependent upon the identity of the requesting person."

As you can see in the attached Exhibit E, a previous response by the ITP's staff to another FOIA requestor states the fact that the request will cost over \$50. The letter then provides an estimate of the cost of fulfilling the request, including an estimate of staff cost per hour. The letter states that an intern can fulfill the request at a cost of \$10 per hour. This letter is dated July 13, 2009.

There are two issues here which indicate malicious intent on the part of the ITP's staff.

First, the bill the ITP enclosed with its final response to me includes staff time at the rate of \$12.73 per hour. I find it hard to believe that the lowest wage rate at the ITP increased by more than 27% in less than two years.

Second, because of this disparity in wage rates billed to differing requestors, the ITP appears to be in direct violation of the Act. As previously stated, the Act says "Fees shall be uniform and not dependent upon the identity of the requesting person." It is clear that the ITP is acting vindictively and charged me a different rate than a rate charged a previous requestor less than two years ago.

3. The ITP acted arbitrarily and capriciously in responding my request without seeking out clarification or further specificity as to the documents requested. The ITP's response is vindictive, in bad faith, and contrary to standard ITP procedure.

My original FOIA request to the ITP contained requests four broad categories of data.

First was ridership information on a per-route basis and several years of history. The ITP's response states that this request was fulfilled with one page of data.

Second, I requested information on amounts paid by the ITP to several companies. I was requesting summary data as to the amounts spent over the last five years. I included a broad list of types of locations of data because I wanted to ensure all proper sources of data were included in any calculation. The ITP's staff responded with 902 pages of copies and printouts. I estimate that my request could have been fulfilled with about 10 pages of data.

Third, I requested data on the operations and costs of the proposed Silver Line bus route. Specifically, I was interested in routes, timetables, and costs. The ITP responded with 711 pages of printouts of reports which it claims were already posted on its web site. This entire amount could have been avoided if the ITP's staff would have acted in good faith and standard due diligence.

Finally, I requested data as to the amounts spent by several other public entities on purchasing the ITP's services, as well as the ITP's costs in providing those services. The ITP responded with 51 pages of data.

The ITP acted arbitrarily and capriciously in "fulfilling" my requests. As previously stated in this letter and shown by attached Exhibits D and E, it is ITP's standard procedure to act in good faith to clarify and hone the requested data so as to minimize expense and time consumed fulfilling the request.

Exhibit D, a letter to State Representative Dave Agema from ITP FOIA Officer Jennifer Kalczuk (the same individual who issued the final response to my request), clearly shows this standard procedure. Ms. Kalczuk responded to Representative Agema with the following statement:

Because your request for "copies of any records that pertain to the salaries and wages... of all employees" would encompass hundreds and hundreds of documents, and therefore considerable copying costs and staff time to prepare the response, I contacted your office in the hopes of narrowing the parameters to more expeditiously and cost-effectively provide you with the information you are seeking. I spoke by phone with Chris Jones on your staff who indicated he was acting on your behalf. Based on that conversation, I believe the enclosed information will satisfy your request.

In reading this response by Ms. Kalczuk, one is shown how many ways in which her response to me differs in attitude and intent.

First, Representative Agema's office was contacted to narrow the request because, as is, it "would encompass hundreds and hundreds of documents." Since the ITP's response to my request contained 1,665 pages, it would appear as though a very different standard was applied to Representative Agema than was applied to me.

Second, Ms. Kalczuk states that she spoke by phone with a member of Representative Agema's staff in order to hone the request in the "hopes of narrowing the parameters to more expeditiously and cost-effectively provide you with the information you are seeking." In my FOIA request to the ITP, I included my address, phone number, and email address. My letter further stated, "Please feel free to contact me via email or phone if you have any questions or need any clarification." Ms. Kalczuk made no attempt whatsoever to clarify or hone my request and certainly made no effort to avoid printing "hundreds and hundreds of documents."

As previously stated, the second example of an ITP response is attached as Exhibit E. The ITP's staff responded to that individual with the following:

The request for ridership for each hour of operation for each route is not readily accessible. It will take 16 person-hours to tabulate this information. At intern wages of \$10.00 per hour, the cost to obtain this data will be \$160. We have not provided this information in this mailing. If you still wish to obtain this information, we will require a \$50 deposit.

Again, this standard procedure was not followed in my case. The ITP's staff did not make any attempt to tabulate costs or request clarification prior to wasting resources and taxpayer money.

This was the first time I had sent a FOIA request to the ITP. Her response to me shows that Ms. Kalczuk has no interest in complying with the spirit of the Freedom of Information Act, which explicitly states that requestors shall not be treated differently based on their identity.

Michigan's courts have defined arbitrary and capricious as follows:

Although the terms "arbitrarily" and "capriciously" are not defined in the statute, they have generally accepted meanings. As noted in *Bundo v City of Walled Lake*, 395 Mich 679, 703, n 17; 238 NW2d 154 (1976), citing *United States v Carmack*, 329 US 230, 243; 67 S Ct 252; 91 L Ed 209 (1946), the United States Supreme Court has defined these terms as follows:

Arbitrary is: "[W]ithout adequate determining principle.... Fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance, ... decisive but unreasoned."

Capricious is: "[A]pt to change suddenly; freakish; whimsical; humorsome."

Laracey v Fin Institutions Bureau, 163 Mich App 437 (1987).

It is difficult to put the definitions of these terms into better words. Both "arbitrary" and "capricious" apply perfectly to this situation. The ITP's failure to grant my fee waiver request was, very simply, "without... reference to principles, circumstances, or significance," and "without adequate determining principle." In fact, the stated reason for denying my request listed no underlying principle whatsoever. As shown by previous ITP FOIA responses, the ITP's response to my request was a sudden change from previous standard practices and without a doubt, "freakish."

The ITP's response to my request also states, "Please note that links to full download-able [sic] versions of both of these reports were posted on The Rapid's website..." Again, instead of picking up the phone or sending an email or letter to notify me of this situation, the ITP's staff proceeded to print out 711 pages of reports and bill me for them. Undoubtedly, at least several trees were deprived of their life in this exercise in futility. One wonders if the ITP is in any way serious about environmental sustainability. The files just as easily could have been emailed with no destructive environmental cost. But, it appears as though the ITP's staff was much more interested in a vindictive "gotcha" attitude than effective use of public resources or any mitigated damage to our planet.

"Bad faith" is defined by Black's Law Dictionary as:

The opposite of "good faith," generally implying or involving... a neglect or refusal to fulfill some duty... not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.

Due to the high visibility of our efforts regarding the upcoming May 3 millage, it strains credulity to believe that the ITP made an "honest mistake" here since such a high cost was involved. I'm left with a better understanding of how unprofessional and contemptuous of taxpayers the ITP's staff is.

If the ITP's staff had made any effort to act in a good faith manner, the entire request could have been honed down to fewer than 75 pages. But, rather than comply with the ITP's own standards, "to use our resources as efficiently as possible," this situation shows that the ITP's internal culture is in no way concerned with efficient use of resources, verifying our own claims.

4. The ITP's decision to unilaterally expend substantial time and money was entirely gratuitous.

As previously demonstrated, the ITP broke with its established procedure and the procedures of every other government entity I've dealt with in its response to FOIA requests. Since my fee waiver request was denied and no further opportunity for clarification was attempted by the ITP's staff, the

entire response by the ITP was gratuitous. Instead of making any good faith effort to gain clarity on the grounds for my fee waiver request, the ITP proceeded to expend significant resources. Because I was given no opportunity to appeal the waiver denial and no effort was made by the ITP's staff to do exactly what it does for everyone else in "honing" requests, the ITP's costs and efforts were entirely gratuitous.

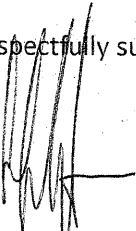
In fact, I must conclude that it is *because* of our transparency efforts that the ITP has reacted this way. It's unfortunate that a taxpayer who simply wants to gain more insight into the ITP's operations is treated this way. I have furthermore been forced into the conclusion that ITP's staff has behaved this way with the full knowledge and assent of upper management, since it's unlikely that wasting 25 hours of staff time would be sanctioned without such upper management approval.

Conclusion

The ITP's response to my request was entirely gratuitous. Pursuant to the facts and issues above, I urge the ITP's board of directors to reverse the bad-faith decisions by the ITP's staff and reverse all fees and costs billed to me. Because of the ITP staff's decision to violate the letter and spirit of the Freedom of Information Act, all costs allegedly imposed on me are void.

I look forward to further presenting my case at the April 27 regular meeting of the board and I ask that the board grant me time as needed to present these issues, evidence, and arguments so that the board may make a fully informed and publicly vetted decision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Steinport", written over the typed name.

Jeff Steinport

April 4, 2011

Exhibit A

Jeff Steinport
ITP Watch
600 Broadway Ave NW, Apt 406
Grand Rapids, MI 49504
[REDACTED]
[REDACTED]

2/24/2011

Interurban Transit Partnership
Freedom of Information Act Coordinator
250 Grandville Ave SW
Grand Rapids, MI 49503

This request is pursuant to the Freedom of Information Act of Michigan, MCL 15.231 et seq.

Please provide reports or other documents showing the following requested information:

1. The total number of riders per bus route for each of the fiscal years 2011 (YTD), 2010, 2009, 2008, 2007, and 2006. Please show a breakdown of this information on a *per route* basis (routes 1-60). This includes the GVSU and DASH routes.
2. The total number riders per each of the fiscal years listed in paragraph one that are GVSU students, GRCC students, and GRPS students.
3. The total number of paying passengers for each of the fiscal years in paragraph one.
4. Any reports, invoices, purchase orders, RPFs, or other financial records listing the amount of business transacted with the following entities, in the last five years, either directly or indirectly:
 - a. Steelcase
 - b. Professional Claim Investigation
 - c. Crosstown Communications
 - d. Locus Development
 - e. Meijer
 - f. Midwest Bus
 - g. Irwin Seating
 - h. American Seating
 - i. Rockford Construction
 - j. Progressive AE
 - k. Hoekstra Transportation
5. Any detailed reports listing the expected itemized costs of implementing the proposed Silver Line bus system.
6. Any detailed reports listing the expected sources of funding for the Silver Line system.
7. A detailed report listing the expected route, the exact bus stops, and the expected timetable of the proposed Silver Line.

Exhibit A


8. Any report showing, in the most recent fiscal year, the budget detail of the amounts paid to ITP by GVSU, GRCC, GRPS, and the City of Grand Rapids (for DASH) for services rendered to those entities. Additionally, any reports of amounts spent providing those services to those entities.

Pursuant to MCL 15.235(2), we expect a response within five business days.

Furthermore, pursuant to MCL 15.234(1), we request a waiver of any fees because the information requested above is in the public interest and the release of this information would primarily benefit the general public. The information requested is extremely relevant to the upcoming millage request and the taxpaying public deserves to understand the operations of the ITP.

Please feel free to contact me via email or phone if you have any questions or need any clarification.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeff Steinport', with a stylized, somewhat abstract shape.

Jeff Steinport



Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, Michigan 49503-4005 616.456.7514 • Fax 616.456.1941

Exhibit B

March 2, 2011

Jeff Steinport
ITP Watch
600 Broadway Avenue NW
Apartment 406
Grand Rapids, MI 49504

Re: Your Freedom of Information Act ("FOIA") Letter Dated February 24, 2011

To the above:

We are responding to the above letter that we received on Friday, February 25, 2011. Please be advised that:

We will be utilizing our option to extend our response deadline.

We are declining your request for waiver of any fees.

Each of these points is explained below.

Extension of Time. We are extending the time for responding to your request by an additional 10 business days. Our original deadline for responding was Friday, March 4, 2011. So the new deadline is Friday, March 18, 2011. FOIA section 5(2)(d) permits this extension.

We need the additional time for two reasons. First, the amount of information you have requested is significant. Second, we expect our staff will need this additional time to search for, examine, review and copy the records you request.

Fees. We will charge the fees permitted under FOIA section 4. As you may know, those include the actual cost of duplicating and mailing the records, plus labor, plus the cost of search, examination, review and the deletion and separation of any exempt from non-exempt information.

We decline your request that we waive this fee. Section 4(1) permits us to waive the fee if ITP determines that a waiver or reduction is in the public interest. As a publicly funded entity, it is our responsibility to use our resources as efficiently as possible. To that end, any staff time and resources expended on this request should be charged to the requesting party.

Exhibit B

Thank you for your cooperation. If you have any questions, please contact either Jennifer Kalczuk, our FOIA Officer or our legal counsel, Mr. Jeffrey S. Ammon of Miller Johnson at (616) 831-1703 ammonj@millerjohnson.com.

Sincerely,

ITP

By



Peter Varga

cc: Mr. Jeffrey S. Ammon

Exhibit C

March 18, 2011

Jeff Steinport
ITP Watch
600 Broadway Ave NW, Apt 406
Grand Rapids, MI 49504
[REDACTED]
[REDACTED]

Mr. Steinport:

Enclosed you will find all materials relevant to your Freedom of Information Act (FOIA) request dated 2/24/2011. Based on your itemized descriptions, we reproduced any and all documents that address each subject in your request, which are repeated here.

1. The total number of riders per bus routes for each of the fiscal years 2011 (YTD), 2010, 2009, 2008, 2007, and 2006. Please show a breakdown of this information on a *per route* basis (routes 1-60). This includes the GVSU and DASH routes.
2. The total number riders [sic] per each of the fiscal years listed in paragraph one that are GVSU students, GRCC students, and GRPS students.
3. The total number of paying passengers for each of the fiscal years in paragraph one.

Item #1-3. Information for the fiscal years requested is enclosed. FY11 YTD is through January which covers the most current reports we have internally. A note about item #2: Because we have only one student 10-ride card available that can be used by any student, K-College (with a valid school ID) we have reported ridership based on usage of student 10-ride farecards overall. These numbers include GRPS, but are not exclusively GRPS students. GRCC ridership figures reflect only the ridership on Route 60. Fares for GRCC students, faculty, and staff (with valid ID) are covered under the contract funding the local share of that route and are therefore tracked. GRCC students must pay a fare for use of any other route in the system. They are eligible to use student 10-ride farecards. Similar to GRPS, usage of 10-ride student farecards—or any other type of fare media that may meet their needs—by GRCC students is not tracked as a separate category. GVSU student, faculty, and staff ridership is tracked on all routes throughout the system and is reported.

(Total page count for this section: 1 page)

4. Any reports, invoices, purchase orders, RFPs, or other financial records listing the amount of business transacted with the following entities, in the last five years, either directly or indirectly:
 - a. Steelcase—no records
 - b. Professional Claim Investigation—enclosed

Exhibit C

- c. Crosstown Communications—enclosed. Ad sales revenue received from Crosstown Communications is included in the “Advertising” line item from the audit reports.
- d. Locus Development—no records
- e. Meijer—enclosed. Please note that area Meijer stores function as farecard outlets. They purchase fare media from ITP and resell it (at the published price, with no mark-up or other fees) to their customers. We have included the financial transaction with Meijer that is not related to farecard sales. Because there is no direct financial gain from the resale of fare media, we have not included records related to ticket purchase transactions for each store for the previous five years. We are happy to provide you with this documentation if desired, however, additional staff time and copying costs will apply.
- f. Midwest Bus—enclosed
- g. Irwin Seating—no records
- h. American Seating—enclosed
- i. Rockford Construction—no records
- j. Progressive AE—enclosed
- k. Hoekstra Transportation—enclosed

(Total page count for this section: 902 pages)

- 5. Any detailed reports listing the expected itemized costs of implementing the proposed Silver Line bus system.
- 6. Any detailed reports listing the expected sources of funding for the Silver Line system.
- 7. A detailed report listing the expected route, the exact bus stops, and the expected timetable of the proposed Silver Line.

Item #5-7. Two reports have been enclosed: *Environmental Assessment for Bus Rapid Transit* and *Bus Rapid Transit Task 1 Visioning Report*. Please note that links to full, download-able versions of both of these reports were posted on The Rapid’s website, www.ridetherapid.org prior to your request and were publicly available at the time of your request. Additionally, hard copies of the environmental assessment were located at The Rapid offices and at other public locations (city halls, libraries, etc.) during the public comment period as part of the EA process. All relevant documentation for items 5 & 6 is contained in one (or both) of these reports. These reports are based on the best available data at the time of preparation. For item #7, routing information is available throughout these reports (and on-line). Station areas are identified, however, exact station locations have yet to be determined—for example, there will be a northbound and southbound station at the intersection of 54th & Division, but the specific siting at the intersection has not been finalized. Similarly, in these reports you will find hours of operation, service frequency, and travel time data, but, to date a timetable has not yet been developed.

(Total page count for this section: 711 pages)

Exhibit C

8. Any report showing, in the most recent fiscal year, the budget detail of the amounts paid to ITP by GVSU, GRCC, GRPS, and the City of Grand Rapids (for DASH) for services rendered to those entities. Additionally, any reports of amounts spent providing those services to those entities.

Item #8. The amounts paid to ITP by GVSU and the City of Grand Rapids are highlighted in a page from the audit report. Because we do not have a contract for service with GRPS, the records are related to the purchase of farecards. GRCC invoices are included.

(Total page count for this section: 51 pages)

We have labeled each section of information as it applies to each of your requests. An invoice is included for staff hours (billed at the lowest allowable hourly rate) and copying costs expended on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Kalczuk". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Kalczuk".

Jennifer Kalczuk
FOIA Officer

Exhibit C

Interurban Transit Partnership

300 Ellsworth, SW
Grand Rapids, MI 49503-4005
(616) 456-7514 Fax (616) 456-1941

INVOICE

INVOICE NO: 074037
PAGE: 1
DATE: 3/18/11

To: ITP WATCH
600 BROADWAY AVE, NW
APT. 406
GRAND RAPIDS MI 49504
ATTN: JEFF STEINPORT

CLIENT NO.	DATE SHIPPED	SHIPPED VIA	DUE
ITPWTCH	3/18/11	Mailed	Upon Receipt

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1,665.00	Printed Copies	.08	133.20
25.25	Hours Staff time for copies	12.73	321.43
TOTAL DUE			\$ 454.63

If you have any questions concerning this invoice, call: Jane Linscott, 616-456-7514
Visit our Website at <http://www.ridetherapid.org>

Remit to:

Interurban Transit Partnership
1561 Momentum Place
Chicago, IL 60689-5315

THANK YOU FOR YOUR BUSINESS!

Customer Copy



Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, Michigan 49503-4005 616.456.7514 • Fax 616.456.1941

Exhibit D

November 19, 2010

Dave Agema
State Representative, 74th District of Michigan
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Agema,

In response to your FOIA request received in our office on November 12, 2010, I am providing you with the enclosed information. Because your request for "copies of any records that pertain to the salaries and wages...of all employees" would encompass hundreds and hundreds of documents, and therefore considerable copying costs and staff time to prepare the response, I contacted your office in the hopes of narrowing the parameters to more expeditiously and cost-effectively provide you with the information you are seeking. I spoke by phone with Chris Jones on your staff who indicated he was acting on your behalf. Based on that conversation, I believe the enclosed information will satisfy your request. If upon reviewing the material, you agree, we would appreciate your written confirmation so that we can close out the FOIA request without further action. An e-mail communication to jkalczuk@ridetherapid.org is acceptable.

If that is not the case, please advise in writing what additional information you are seeking.

Sincerely,

Jennifer Kalczuk
External Relations Manager/FOIA Officer



Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, Michigan 49503-4005 616.456.7514 • Fax 616.456.1941

Exhibit E

July 13, 2009

Mr. Donald E. Zerial
[REDACTED]
[REDACTED]

Dear Mr. Zerial:

In response to your request for information dated July 1, 2009, we are providing such information either in this letter or as an attachment.

Question #1:

What are the daily and monthly ridership numbers of the different Rapid lines – for 2008 and the first six months of 2009?

This information is provided as an attachment to this letter.

What is the breakdown of these numbers for each hour that the line is in operation?

*The request for ridership for each hour of operation for each route is not readily accessible. It will take 16 person-hours to tabulate this information. At intern wages of \$10.00 per hour, the cost to obtain this data will be \$160. We have not provided this information in this mailing. If you still wish to obtain this information, we will require a \$50 deposit.

Question #2:

What has and does GVSU pay, directly or indirectly, to The Rapid for the use of its buses?

This information is provided as an attachment to this letter.

What are its ridership numbers for each hour during the weeks from September 1 through and including June 15?

See the note* above.

Question #3:

What are the total tax revenues for each of the six cities, Grand Rapids, Wyoming, Grandville, Kentwood, East Grand Rapids and Walker, generated from the millage for 2007 and 2008?

This information is provided as an attachment to this letter.

Exhibit E

Question #4:

What is the average expense per bus per year for repairs for the "conventional" bus vs. the so-called "hybrid" ("Green Bus")?

Our current fleet maintenance software does not readily provide the comparative information for diesel-powered vehicles and hybrid diesel-electric vehicles. We are actively evaluating different maintenance software solutions that will provide this data.

What are the estimated miles per gallon for each type of these buses?

In the 12-month period ending June 30, 2009, 120 diesel-powered buses averaged 4.45 miles per gallon. In that same period, five (5) hybrid diesel-electric vehicles averaged 5.13 miles per gallon.

Sincerely,



Alan Hartley
Assistant Executive Director

Attachments