



July 14, 2014

Mariko Hirose
Staff Attorney
New York Civil Liberties Union
125 Broad Street
New York, NY 10004

Re: Appeal of FOIL Request #2014-01941

Dear Mariko Hirose:

This is in response to your letter received on June 26, 2014 appealing the constructive denial of your Freedom of Information Law (Public Officer's Law §84 *et seq.*, "FOIL") request for 10 categories of records relating to "electronic readers that have the capability of detecting E-ZPass tags".

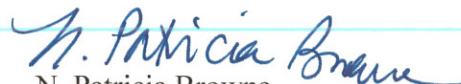
Upon review of the file, the enclosed documents were identified as being responsive to items 1, 2, 3, 5, 7, 9, and 10 of your request. Additionally, travel-time data collected from such readers may be obtained here:
http://flowmap.nyctmc.org/weborb4/ezpass_midtown/ezpass_midtown.html.

Finally, no responsive documents were found with respect to items 4, 6, 7, and 8 of your request. Pursuant to §89(3) of FOIL, an agency is not required to "prepare any record not possessed or maintained" by such agency. Therefore, your appeal is granted in part and denied in part.

Please forward a check to the FOIL Office, 55 Water Street, 4th Floor, New York, NY 10041 made payable to the New York City Department of Transportation in the amount of \$88.00 for copying fees of the responsive documents enclosed.

Judicial review of this may be obtained in a proceeding under Article 78 of the Civil Practice Law and Rules commenced within four months from this determination.

Very truly yours,


N. Patricia Browne
FOIL Appeals Officer

Enclosures
cc:
FOIL
COOG
GCO-14-246