

# Metrorail Safety Commission

## March 13, 2018

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### Agenda Item # 4 – Action

#### Adoption of MSC Policies

#### Background

Federal statutory (49 USC §5329) and regulations (49 CFR Part 674) requires the MSC to adopt the following policies to guide its functioning as a State Safety Oversight Agency (SSOA). Staff with the assistance of the MSC's legal counsel has developed the following policy document:

A. Conflicts of Interest Policy to identify, document, eliminate, or sufficiently mitigate legal or financial conflicts. The policy will affect the way Board members and employees that interact with WMATA. Upon adoption, members of the Commission will have up to five working days to sign and submit their signed copies acknowledgement of the Conflicts of Interest Policy.

B. Freedom of Information Act (FOIA) Policy to adhere to the transparency and public access provisions of the Freedom of Information Act ("FOIA") codified at 5 U.S.C. § 552(a)-(d) and (g). The MSC is not subject to state freedom of information laws.

C. An Open Meetings Policy to conduct and dispose of all meetings in accordance with the Government in the Sunshine Act codified at 5 U.S.C. § 552b ("Sunshine Act"). The MSC is not subject to state open meeting laws.

#### Issues

None

#### Staff

#### Recommendation

Receive briefing from staff and adopt Resolutions - MSC 02-2018 (Conflicts of Interest Policy); MSC 03-2018 (Freedom of Information Act Policy) and MSC 04-2018 (Open Meetings Policy).

**The Metrorail Safety Commission  
Draft Open Meetings Policy**

Section 1 – Open Meeting Policy

It is the policy of the MSC to conduct and dispose of all meetings in accordance with the Government in the Sunshine Act codified at 5 U.S.C. § 552b (“Sunshine Act”). The MSC is not subject to state open meeting laws.

Section 2 – Sunshine Act Definitions

All capitalized but undefined terms here will have the meaning designated in the Sunshine Act.

Section 3 – Public Observation

Except as stated in 5 U.S.C. § 552b(c), all Meetings of the MSC will be open to public observation. The Members will not jointly conduct or dispose of MSC business other than in accordance with the Sunshine Act.

Section 4 – Decision to Hold Non-Public Meeting; Certification

Consistent with 5 U.S.C. § 552b(d), a decision to hold a Meeting not subject to public observation will only be taken when a majority of all Members vote to take such action.

Consistent with 5 U.S.C. § 552b(f), for every Meeting not subject to public observation, the chief legal officer will publicly certify that, in his or her opinion, the meeting may be closed to the public and will publicly state the applicable exempting provision of the Sunshine Act.

Section 5 – Notice of Public Meeting; Contents

Consistent with 5 U.S.C. § 552b(e), the MSC will make public at least one (1) week prior to the Meeting: (i) the time, place, and subject matter of the Meeting; (ii) the name and phone number of the official designated to respond to requests for information about the Meeting; and (iii) whether the Meeting is subject to public observation. If a majority of the Members determine that the Meeting should be held sooner than one (1) week from the date of notice, such notice will be made at the earliest practicable time before the Meeting.

Section 6 – Minutes of Meetings

The MSC will promptly make available to the public the transcript, electronic recording, or minutes (as required by the Sunshine Act) of the discussion of any item on the agenda of each Meeting regardless of whether the Meeting was subject to public observation pursuant to the requirements of the Sunshine Act unless such information is exempt from disclosure under the Sunshine Act.