

WASHINGTON METRORAIL SAFETY COMMISSION  
777 North Capitol Street, N.E.  
Washington, D.C. 20002

RESOLUTION APPROVING  
THE ADOPTION OF AN OPEN MEETINGS POLICY OF THE  
METRORAIL SAFETY COMMISSION

WHEREAS, federal statutory (49 U.S.C. 5329(e)) and regulatory requirements (49 Code of Federal Regulations (CFR) Part 674) require the establishment of State Safety Oversight Agencies (SSOA) under the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) federal legislation along with Federal Transit Administration (FTA) guidance materials; and

WHEREAS, the Metrorail Safety Commission (MSC) has been formed through federal enabling legislation in The District of Columbia, Maryland and Virginia, and the joint resolution of Congress in 2017 (115 H.J. Res. 76, 131 STAT. 1093); and

WHEREAS, the District of Columbia, Maryland, and Virginia have appointed MSC Commissioners to help establish and mobilize the SSOA for the regional Metrorail system; and

WHEREAS, the MSC Open Meetings Policy purpose is 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").

WHEREAS, the MSC is not subject to state open meeting laws; and

WHEREAS, the MSC has developed the Open Meetings policy to allow for both public and non-public meetings; and

WHEREAS, the MSC will provide notice of meetings and content of meetings according to the policy; and

WHEREAS, the MSC will also provide meeting minutes in accordance with its Open Meetings policy.

NOW, THEREFORE, BE IT RESOLVED THAT THE METRORAIL SAFETY COMMISSION approves the attached Open Meetings Policy for the MSC.

**The Metrorail Safety Commission  
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.