

R-69-30
The Board therefore recommends that, to insure a margin of safety, the contract be interpreted to adopt, as criteria for judging contract fulfillment of track safety under Section XIV. B., the literal standards of the Penn Central Company's Manual of Standard Practice for Construction and Maintenance of Track, M.W. 1. An appropriate understanding should be reached so that the Penn Central's M.W. 1 will apply to the high-speed passenger demonstration project.

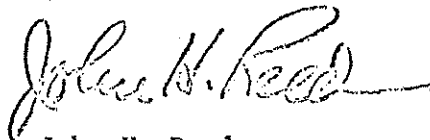
The preface to M.W. 1, which states that the document is to "... serve as a guide ..." and that it "... must be interpreted in the light of experience and the requirements of the service", vitiates its effectiveness as a standard. Therefore, this section should be removed before the Manual M.W. 1 is employed to interpret the contract. To insure that this document is usable as a basis for management enforcement of proper track maintenance, it is further recommended that the word "should" be replaced by "shall" wherever it appears in the standards. These changes will provide a basis by which the Government can determine that the track safety portion of Section XIV. B. is being fulfilled by the railroad.

The Safety Board notes that since the accident at Glenn Dale, track conditions near Glenn Dale have been improved by the addition of ballast, and appear to meet the ballast requirement of M.W. 1.

The effect of agreement between the Railroad and OHS&T to employ Penn Central's M.W. 1 track-condition standards would be to supersede the requirements of Manual C. E. 78(J) where they appear in IV. B. 5. of the contract. The M.W. 1 standards are a development of the C. E. 78 standard adopted by the merged Penn Central Company.

Our staff is available for consultation or for any assistance they may provide.

Sincerely yours,



John H. Reed
Chairman