

My specific question then is: If the grandfather clause is retained in the bill, in that the limitation relates only to the Interstate System, should the grandfather clause refer to weights and widths permitted on the Interstate System on January 1, 1968, rather than on any highway in the State?

Mr. BRESNAHAN. If I understand you correctly, and I believe I do, you are making reference to a few special instances, and I would like to attempt to distinguish between those special instances and the impact of the grandfather clause generally.

Now, in the original grandfather clause, there were States that already were above the limits put in in 1956.

Mr. CRAMER. And Florida was one of them.

Mr. BRESNAHAN. Florida was one of them, with heavier axleloads—and Maryland. Virtually all of the Northeastern States on axleload, they were grandfathered.

It has been impossible on the Interstate System since 1956 for any State to increase its axle weight, because, as I said in my direct, in 1956 they all either were at the applied Federal limits or above such limits, so that was the end of it.

Now, in the interim, there has been certain increases applicable to the Interstate System in some States as well as on other roads, in gross weight, which had been perfectly lawful and within the framework of existing Federal limits. By moving this date up and moving it current, they would be grandfathered just like those earlier. We believe this is proper.

Now I think the instances of which you speak, there have been two or three cases that I am aware of where, in a State, they approved for operation on all of their roads—except the Interstate System—certain limits that were beyond the present limits of the statute.

Now, for example, in Maine, in an area where, as of 1956, virtually all of the other States already permitted a tandem limit of 36,000 pounds, Maine did not at that time. So Maine was not grandfathered; it was frozen at 32,000.

There came a time in Maine when they needed the 36,000 pounds, apparently to try to get in line with the rest of New England and the Northeastern States.

When the legislature wanted to change their limit to 36,000 pounds, it ran into the proper proposition that to do so and permit 36,000 pound tandems on the Interstate System as well as the rest of their roads, they would be in jeopardy of losing their Federal aid. So what Maine did was enact a 36,000 pound tandem for application on the other roads, but specifically not applicable on the Interstate System.

Now, this grandfather clause as written would recognize and grandfather that 36,000 pound tandem in Maine.

South Carolina has a similar situation. There are very few of these.

Mr. CRAMER. Let me ask this question then: Since 1956, have some States passed legislation that would increase, if the grandfather clause in its present form goes into effect, the weights and axle limitations on the Interstate System above the suggested limitation in this legislation, if this grandfather clause in its present form were approved?

Mr. BRESNAHAN. Yes, sir; the two examples that I just gave, Maine and South Carolina, would fall in that category; because on their noninterstate roads, they now permit 36,000 pounds tandems. Since