

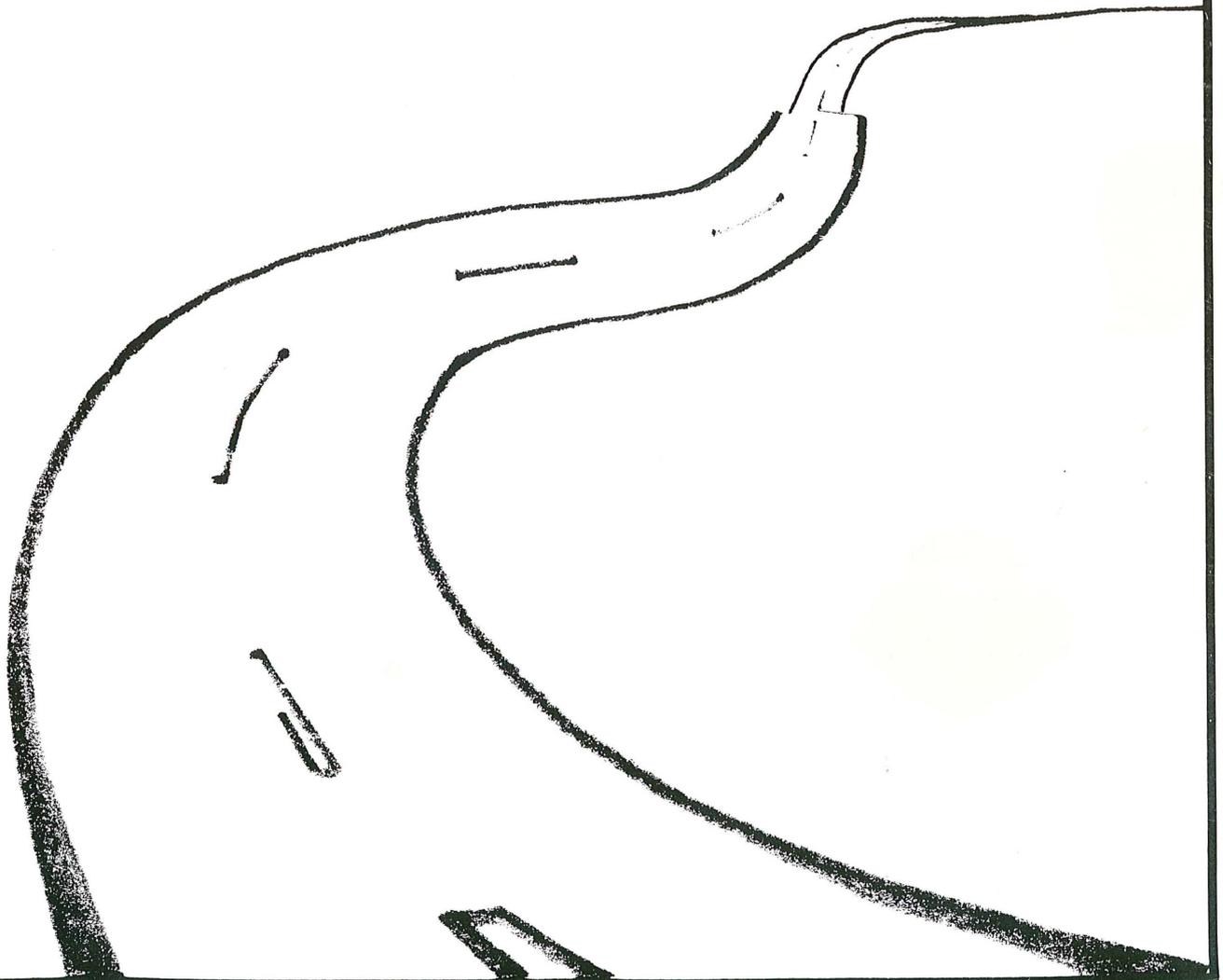
Report to the Governor

from the

Special Commission on Salvage Yards

regarding

ROADSIDE BEAUTIFICATION
and SALVAGE YARDS



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February 1984

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PREFACE

The Governor's Special Commission on Salvage Yards was appointed in late November 1983 as a citizens advisory committee. Initially, the purpose of this Commission was to recommend to the Governor methods for improving the appearance of the state's salvage yards. Related issues to be addressed included:

1. Which yards are in greatest need of improvements? Should the state concentrate on yards close to state highways with heavy traffic? Should the state assist local communities in improving yards not within the jurisdiction of the state trunk highway system?
2. What can be done to beautify these yards? Possible solutions include screening, relocation, acquisition, landscaping, and recycling. What are other states doing in this area? Should the Abandoned Motor Vehicles program be reactivated?
3. How should such a program be funded and what level of funding is needed? What legislative changes are necessary? What is the appropriate state agency to administer such a program?

After considerable discussion, the Commission came to a number of conclusions. First, the topic of salvage yard beautification is but one of a number of issues which significantly influence roadside aesthetics. Roadside advertising, litter, right-of-way soil erosion, and other factors are equally significant in affecting visual quality.

Second, the issue of roadside beautification is of sufficient significance and complexity to warrant comprehensive study involving the state's agencies. Eighty-six percent of Minnesota's tourists use personal motor vehicles to reach tourist destinations. These tourists in turn contribute approximately \$344,000,000

annually to the state's economy.¹ The visual quality of Minnesota's roadsides contributes to the quality of the tourist experience and the attractiveness of the state as a place to visit and in turn contribute to its economy.

Third, the Commission did not have sufficient time or resources to adequately address the complex issues pertaining specifically to salvage yards. These issues will require continuing study such that meaningful recommendations and resolutions can be attained.

Fourth, solutions directed to roadside aesthetics and salvage yard enforcement bridge many levels of government. Concise and effective solutions will require cooperation and open communication between the affected governmental units.

¹"Economic Impact of Travel in Minnesota Counties" and "Profile of the Minnesota Travel Market," United States Travel Data Center, Washington, D.C., for calendar year 1982.

SALVAGE YARDS IN THE BROADER CONTEXT OF HIGHWAY BEAUTIFICATION

The Governor's Special Commission on Salvage Yards concluded that it is important to understand the problem of salvage yards and junked automobiles within the context of the whole issue of highway beauty. The elements of beauty related to roadways appear to come from four separate considerations. They are: basic highway design and maintenance, the type and placement of highway-oriented businesses, advertising media along highways, and litter, in its broadest sense.

Highways are considered beautiful because of both the countryside that they traverse and their relationship to that topography. The fundamental design of the roadway, the types of curves, road surface, and other initial design features play a major role in determining aesthetics. The initial treatment of the right-of-way, including grading, sound barriers, and trees and shrubs, can add or detract greatly from our sense of the beauty of the roadside.

Highway-oriented business has a major impact on the view and sense of organization along roadways. Long, drawn-out strip development, congested intersections, and inappropriate zoning all have a major effect on the sense of beauty encountered by travelers in Minnesota. Confusing signs, blinking lights, and haphazard organization of services can detract significantly from the charm of a particular highway route.

Outdoor advertising which obscures natural vistas is considered by many as not only distracting but a detraction from the beauty they seek in traveling Minnesota's roads. The Commission views with alarm the spread of semi-trailers being used as billboards along major highways.

In addition to basic design, zoning, and large-scale advertising is the problem of scrap including misplaced automobile hulks, tire dumps, farm junk, old machinery, and other materials. In almost all cases, these things represent misplaced or improperly placed material resources. The Commission wants to make some recommendations concerning this problem.

Roadside litter is an ever present nuisance and visual blighting factor. Each year highway agencies not only inherit this refuse deposited within their rights-of-way but also the task and expense of removing this litter. The Commission recommends that additional thought be addressed to the issue, possibly providing incentives which would reduce the problem.

Money which is spent on beautification must be distributed carefully so that it does not take away from other more important needs. We think that solutions may very well arise from an emphasis on community pride, volunteerism, local zoning, and other ways which employ positive incentives. The best solution to the problem may not necessarily be a large-scale effort on the part of centralized state government. To have a lasting effect good programs will involve local people and local units of government in positive and creative solutions.

The Commission has concluded that salvage yards which are vital, productive businesses are not a major problem. They are performing the important function of supplying used parts for automobile repair and starting the necessary recycling of parts which are no longer useful. The problem more likely appears to be due to part-time businesses, hobbyists, and others who stockpile auto hulks and other junk for limited use. There are far more examples of this type of blight than any caused by larger businesses. Therefore, creative solutions to that problem will be far more difficult to find.

Within the remainder of this report, the Commission will suggest appropriate groups for further data collection and analysis, funding sources, and suggestions for appropriate enforcement of existing laws and future laws.

1984 LEGISLATIVE ACTION

Formation of Legislative Commission

This Governor's Commission believes that the issue of roadside beautification is of sufficient complexity and priority to warrant Legislative Commission study. As a result, it is recommended that the 1984 State Legislature establish and fund a Commission on Highway Beautification, which would abolish and replace the Governor's Special Commission on Salvage Yards. The Legislative Commission should be appointed by the Governor and should consist of:

- A. Three members of the House of Representatives
- B. Three members of the Senate
- C. One representative from the Association of Minnesota Counties
- D. One representative from the League of Minnesota Cities
- E. One representative from the Association of Minnesota Townships
- F. Four citizen representatives
- G. Four representatives from affected businesses or industries

The Legislative Commission would rely upon state agencies such as the Department of Transportation, the State Planning Agency, and the Pollution Control Agency to complete regular logistical as well as special study tasks. Therefore, it would not be necessary to utilize the services of regular legislative staff for the Commission's coordination.

The Legislative Commission's immediate tasks should include but not be limited to:

- A. The review and appropriate refinement of existing legislation and the introduction of new legislation intended to govern salvage yards, junkyards, billboards and other unattractive roadside influences.
- B. The formation of a tourist route system and scenic road system based on roads within Minnesota.
- C. Recommending to the 1985 Legislature methods of funding a highway beautification program.

The Legislative Commission would be asked to issue its first preliminary report in January 1985 with completion of the final report by March 1985.

A Subcommittee on Salvage Yards should be named to provide technical assistance to the Legislative Commission. The subcommittee should be comprised of no more than five members representing the salvage yard industry, local government and general citizens. Its members could be drawn from the existing Governor's Special Commission of Salvage Yards roster. The salvage yard subcommittee's primary objective would be to make specific recommendations regarding salvage yard statute revisions. The group should be formed by spring 1984 and present their findings and recommendations to the Legislative Commission by November 1984.

Recommended Statute Revisions

Minnesota Statutes 1982, Section 161.242, Subdivision 3 and Subdivision 4, currently exist for salvage yard enforcement. However, these statutes were "frozen" by 1979 legislative action which prevented the Commissioner of Transportation from expending funds to undertake new projects.

Legislation should be submitted to the 1984 State Legislature to amend the existing act thereby allowing funds to be once again enforced. Appendix B depicts potential language which would amend Subdivision 3 deleting wording specifying completion deadlines for the program, and amend Subdivision 4 to remove present spending limitations for the program. This action should be considered a short-term solution to salvage yard enforcement. As recommended in this report's "Future Study" section, additional statute revisions should be made. These revisions should be based upon recommendations arrived at by the Legislative Commission on Roadside Beautification and its subcommittee.

Funding

Legislative action which removes the "freeze" on existing salvage yard legislation will also create a funding demand to facilitate the statute's enforcement. The 1984 Legislature should be requested to appropriate \$900,000 from the general fund for initial enforcement costs. This amount should be funded by reactivating the \$1.00 fee on automobile transfers. The appropriation would be sufficient for the Department of Transportation to begin appropriate treatment of salvage yards currently classified "illegal" or "non-conforming."

Future funding measures must be derived to facilitate other measures related to roadside beautification or future salvage yard enforcement resulting from additional statute revisions. The Legislative Commission should, as a part of its responsibilities, derive permanent funding mechanisms.

Two funding methods are suggested for additional study. First, consideration should be given to retrieving the residual monies collected from the initial "transfer fee." From 1971 to 1981, \$8,275,000.00 was collected from a statewide \$1.00 automobile sale transfer fee. Of this amount, \$1,382,699.00 was expended for the removal of scrap vehicles or hulks throughout Minnesota under the abandoned motor vehicles program. The remainder of the funds collected were not expended due to an increase in scrap value which diminished the program's need. The surplus money, \$6,892,301.00, was left in the general fund. Retrieving this money would provide a potential source of roadside beautification operating capital.

The second funding method would involve reinstating the \$1.00 automobile transfer fee on a permanent basis. According to MnDOT, current trend levels of automobile transfers would generate approximately \$800,000 annually. These revenues should be placed in an account independent of the general or highway funds. This funding method would provide a stable annual revenue source to facilitate highway beautification projects.

SUMMARY OF RECOMMENDATIONS

The Governor's Special Commission on Salvage Yards determined that meaningful and comprehensive recommendations regarding existing statutes could not be made prior to this report's deadline given the resources available to the Commission. However, through the process of deriving this report, the Commission did arrive at meaningful statements which have merit for future consideration. These statements should be used as a starting point for deliberation by those parties, the Legislature, its Commission, or the salvage yard subcommittee, responsible for determining appropriate statute revision language. Suggestions include the following:

- A. A Legislative Commission on Roadside Beautification should be formed and funded. A subcommittee to the Legislative Commission should be formed, potentially from the Governor's Special Commission, to provide recommendations on issues and statute enforcement specifically pertaining to salvage yards.

- B. Revise and overhaul Junk Yard Act 161.242 and Abandoned Motor Vehicle Act 168 B. 01.
 - 1. Consolidate functions, responsibilities and authority of Acts under MnDOT.
 - 2. Provide MnDOT with authority and funding to deal with presently classified "illegals" under Federal Highway Beautification Act.
 - 3. Provide special ear-marked funding for Minnesota Roads Beautification Program.
 - 4. Definitions: Clearly define what specific types of facilities are to be cleaned up, regulated and beautified.

- C. Develop companion legislation to deal with regulation of sales of "total loss" vehicles.

- D. Identification of Problem Sites
 - 1. Survey by MnDOT in accordance with new definitions and clarifications.
 - 2. Research previous programs where identifications have been made and possible solutions presented.

- E. Scenic and Tourist Roadway System. MnDOT should derive a "Tourist Route System" and "Scenic Roadway System" based on appropriate highways within Minnesota.

- F. Enforcement of Present Local Zoning Ordinances

1. Positive incentives to local governments for enforcement, penalty for non-enforcement.
2. Draft model ordinances for governmental units to use where none exist.

G. Specific Targets

1. Priorities
 - a. Hulks of 50 or less
 - b. Hulks of 51 - 100
 - c. Hulks of 101 plus
2. Procedures
 - a. Removal
 - b. Transportation subsidy
 - c. Screening
 - d. Relocation
3. Design program and legislation to implement "Beautification Program" with the above parameters.

APPENDIX A

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APPENDIX B

POTENTIAL STATUTE REVISION - 1984 LEGISLATURE

A bill for an act

relating to transportation; authorizing the commissioner of transportation to spend money to acquire rights or interests in junkyards; amending Minnesota Statutes 1982, Section 616.242, Subdivision 3 and Subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, Section 161.242, Subdivision 3, is amended to read:

Subd. 3. Unauthorized junkyards prohibited. (1) No junkyard may exist or be operated outside a zoned or unzoned industrial area, including those located on public lands and reservations of the United States, unless it be screened so as to effectively conceal it from the view of motorists using the highway. The screening required by this section may be effected by trees, shrubs, or foliage, natural objects, fences or other appropriate means as determined by standards established by the commissioner. Plantings which will eventually be used in connection with any fence or other non-natural screening device.

(2) Any such junkyard or portion thereof which cannot effectively be screened shall be removed or relocated pursuant to the provisions of this section. ~~on or before July 1, 1979.~~ Any such junkyard lawfully existing on a highway which is made a part of the trunk highway system ~~after January 1, 1975,~~ and becomes nonconforming thereby shall be effectively screened or removed or relocated. ~~within four years thereafter.~~ Any junkyard which comes into existence after July 1, 1971, which does not conform to this section, or which becomes nonconforming

after July 1, 1971, or which becomes nonconforming after action by the commissioner pursuant to this section, is hereby declared to be a public nuisance and illegal, and the commissioner may enter upon the land where the junkyard is located and may screen the same, or may relocate or dispose of the junkyard after 90 days' notice to the owner or dealer thereof, if known, or to the owner of the land. In this event, no compensation shall be paid to the owner or dealer or owner of the land, and the commissioner may collect the cost of screening, removal, relocation or disposal from the owner or dealer, if known, or from the owner of the land upon which the junkyard is located.

(3) None of the articles commonly found in junkyards shall be allowed to remain on the grounds for more than 24 hours unless within the buildings or the properly screened area as provided herein, nor shall any junk in any junkyard be allowed to extend above existing or planned screening so as to be visible from the highway.

Section 2. Minnesota Statutes 1982, Section 161.242, Subdivision 4 is amended to read:

Subd. 4. Authority. The commissioner shall screen junkyards when required by this section at locations on the right-of-way of the highway or on lands within 1,000 feet of the right-of-way and shall pay for the costs thereof. If screening is not feasible because of economic or topographic reasons, the commissioner shall secure the removal, relocation or disposal of such junkyard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the other provisions of this section, if a junkyard exists within one-half mile of the right-of-way of any trunk highway and is visible from the highway, the commissioner may acquire

easements for screening purposes up to one-half mile from the edge of the right-of-way of the highway. The commissioner shall acquire such rights and interest in property, personal or real, necessary to carry out the purposes of this section by purchase, gift, or eminent domain proceedings and shall pay just compensation therefor. ~~The commissioner shall not expend any money to acquire rights or interests in junkyards under this section, except those for which acquisition proceedings were begun before June 8, 1979, or for which federal money has been appropriated by Congress for junkyards described in Title 23, United States Code, Section 136(j) and the federal share has been made available to the commissioner.~~ All costs described herein shall be necessary for a highway purpose.