

ACTION PLAN

STATEWIDE TRUNK HIGHWAY JUNK YARD PROGRAM

Prepared By

**MINNESOTA DEPARTMENT OF TRANSPORTATION
FOR CELEBRATION MINNESOTA 1990**

NOVEMBER 18, 1987

EXECUTIVE SUMMARY

Purpose

The Governor's Office, through its representative Gerry Nelson, has initiated a campaign, CELEBRATION MINNESOTA 1990, for cleaning up and beautifying Minnesota for the U.S. Olympic Sports Festival of 1990. As a part of this campaign the Governor's representative has requested that the Minnesota Department of Transportation (Mn/DOT) accelerate the Junk Yard Cleanup Program along the trunk highway system. The purpose of this action plan is to accelerate the existing program to eliminate all nonconforming and illegal junk yards according to Minn. Stat. § 161.242 (see Appendix A).

Objectives

- A) Remove, screen, or relocate by January 1990, 256 + junk yards, on the trunk highway system, not conforming to the Junk Yard Act.
- B) Eliminate illegal junk yards along the trunk highway system.
- C) Take an active role in improving the appearance of visually unacceptable legal junk yards along the trunk highway system.
- D) Place priority efforts for junk yard control on major trunk highway tourist routes and along trunk highways leading to the Olympic Sports Festival Sites.
- E) Identify possible legislative actions which would expedite the objectives of CELEBRATION MINNESOTA 1990 for junk yard control.

Background/Current Program

Funding for the junk yard program is authorized through legislative appropriations from the Motor Vehicle Transfer Fee fund Mn. Statute § 115A.908. Both state and federal funds are used by Mn/DOT to implement the junk yard control program.

The number of junk yards along the trunk highway system has been steadily decreasing since state and federal control efforts began in 1965. From 1984 to present time 98 junk yards have been eliminated or brought into conformance with state laws. Mn/DOT is currently pursuing 70 of the remaining nonconforming yards. Mn/DOT District Offices annually re-evaluate the classification of junk yards along the trunk highway system. Surveillance of existing and potential junk yards is an ongoing responsibility of Mn/DOT District Offices.

Possible constraints to the program which have been identified are:

- Uncooperative owners
- Identification of potential hazardous waste on site
- Insufficient level of staffing
- Unresolved legal issues

Mn/DOT Action Plan

This plan is a part of a broader overall Mn/DOT program to coordinate with the objectives of CELEBRATION MINNESOTA 1990. People involved with implementing the junk yard action plan must consult and work with the Mn/DOT CELEBRATION MINNESOTA 1990 program manager. This plan establishes the actions which must be taken to accelerate this program and meet the above objectives.

- Mn/DOT will focus on bringing 60% of the remaining 256 + nonconforming yards into conformance in 1988 and the remaining 40% into conformance by January 1, 1990.
- Mn/DOT (with legal counsel) will pursue in a proactive manner procedures for expedient, effective enforcement of the law with regards to illegal yards on the trunk highway system.
- Mn/DOT (within legal limits) will pursue a way for visually enhancing legal unacceptable yards.
- Opportunities for legislation to broaden current laws and funding, and to expedite the objectives of this action plan will be provided by Mn/DOT and Minnesota Beautiful to the Governor's representative for CELEBRATION MINNESOTA 1990 by January 1, 1988.
- The accelerated proactive status of this program will be strongly communicated to the Districts and other Mn/DOT staff involved and to the nonconforming junk yard owners/operators.

Staff Needs

To accomplish the objectives of this plan by 1990, the following staff and consultant contracts will be required.

- Two new positions (one temporary) established within Mn/DOT.

<u>New Positions</u>	<u>Effective Date</u>
Program Manager/Expeditor (temporary)	11/18/87
Technical Support Person	12/10/87

- Consultants with right-of-way experience will be hired by Mn/DOT to assist with the increased work load.

<u>New Temporary Positions</u>	<u>Effective Date</u>
Right-of-Way Consultants (4 part time)	11/18/87

- Existing Mn/DOT staff reassigned to the program.

<u>New Working Title</u>	<u>Effective Date</u>
Project Design Coordinator	11/12/87

- The Assistant Attorney General, Transportation Division has assured Mn/DOT that adequate legal staff from the Attorney General's Office will be assigned and made available in a timely manner to this program to expedite the numerous legal issues which may arise during program acceleration.
- Existing Mn/DOT staff, with active roles in implementing the junk yard control program, will continue their existing responsibilities with administrative direction to make the junk yard program a high priority.

Legislative Recommendation

The accelerated junk yard program, according to Mn/DOT's best estimate, at this time, will require additional funds. It is recommended that an additional appropriation of \$1,600,000.00 be included in the Department biennial budget appropriation request.

The appropriation request should include language which would allow all unused or unspent appropriations to remain available for the junk yard program until clean up activities are complete or monies have been spent.

Other Legislative and Program Considerations

In order to complete the objectives for CELEBRATION MINNESOTA 1990 other important control programs require implementation. These statewide control programs are for local and county road systems over which Mn/DOT does not have legal jurisdiction. A positive incentives program for local governments should be established to assist in the control and enforcement of various junk yard activities. Grant funding for local units of government should be developed to assist in law enforcement regarding illegal junk yards, and in the beautification and enhancement of legal junk yards which are considered visually unacceptable.

The other significant program, which Mn/DOT does not have legal jurisdiction over, regards abandoned vehicles. A grant funding program for local units of governments should be developed and funded by the State legislature to assist in the implementation and administration of abandoned vehicle collection. Such a statewide program could be coordinated through the Minnesota Pollution Control Agency (MPCA).

Progress Reporting

The Program Manager/Expediter will prepare bi monthly program progress reports and represent the program to the Commissioner of Transportation and the Governor's representative for CELEBRATION MINNESOTA 1990.

MN/DOT JUNK YARD PROGRAM ACTION PLAN

I. Purpose

The Governor's Office, through its representative Gerry Nelson, has initiated a campaign, CELEBRATION MINNESOTA 1990, for cleaning up and beautifying Minnesota for the U.S. Olympic Sports Festival of 1990. As a part of this campaign the Governor's representative has requested that the Minnesota Department of Transportation (Mn/DOT) accelerate the Junk Yard Cleanup Program along the trunk highway system. The purpose of this action plan is to accelerate the existing program to eliminate all nonconforming and illegal junk yards according to Minn. Stat. § 161.242 (see Appendix A).

The objectives of this plan are to:

- A) Remove, screen, or relocate by January 1990, 256 + junk yards, on the trunk highway system, not conforming to the Junk Yard Act.
- B) Eliminate illegal junk yards on the trunk highway system.
- C) Take an active role in improving the appearance of visually unacceptable legal junk yards along the trunk highway system
- D) Place priority efforts for junk yard control on major trunk highway tourist routes and along trunk highways leading to the Olympic Sports Festival sites.
- E) Identify possible legislative actions which would expedite the objective of CELEBRATION MINNESOTA 1990 for junk yard control.

II. Background

A Junk Yard Control Law has been in effect in Minnesota since 1965. The Federal Beautification Law of 1965 also required that states control junk yards along trunk highways. In accordance with those laws, various measures were taken in Minnesota during the 1960's and 1970's toward screening, removing or relocating junk yards within one-half mile of state highways. Prior to 1971, junk yard owners were responsible for these efforts. In 1971 Mn. Stat. 161.242 gave the Highway Department (now Mn/DOT) responsibility for screening, removing or relocating junk yards. The program has been hampered by erratic state and federal funding.

In 1981, the Minnesota Legislature passed an amendment to Minn. Stat. § 161.242 which prohibited State Trunk Highway Trust Fund monies from being spent on the junk yard control program as it had been in the past. This also kept Mn/DOT from using federal funding then available as the federal funding required a 25% match of state monies. During this period Mn/DOT continued to inventory yards, communicate with owners to have them clean up their own yards and initiate legal actions in accordance with the prevailing laws.

In 1984, Governor Perpich appointed a Special Commission on Salvage Yards to recommend to the Governor methods for improving the appearance of the state's junk yards. Among the Commission's recommendations were that the existing legislation should be changed to allow Mn/DOT to expend funds for junk yard cleanup, and that other funding sources should be identified.

The 1984 Legislature followed some of the Commission's recommendations and again amended Minn. Stat. § 161.242 to allow Mn/DOT to pay the cost of junk yard cleanup. The Legislature appropriated \$250,000 from the general fund for fiscal year 1985. They also appropriated \$860,300 for fiscal year 1986 and \$868,800 for fiscal year 1987 from the Motor Vehicle Transfer Fee (MVTF) fund for junk yard cleanup. These were the projected amounts to be derived from \$1 of the \$4 motor vehicle transfer fee. The 1987 Legislature also appropriated \$868,800 for each of fiscal years 1988 and 1989 from the MVTF for this program.

Since February 1975 (revised Nov. 1978) a formal procedure for removing, screening or relocating junk yards along state highways has been in place. The procedures are documented in Mn/DOT's Right of Way Manual, which has been approved by the Federal Highway Administration for use in obtaining federal funds. They involve Mn/DOT's nine Districts, Central Office Right of Way, Environmental Services and Design Services Sections.

The number of junk yards along trunk highways has been steadily decreasing over the last decade due to Mn/DOT's cleanup and surveillance efforts, and unidentified economic effects. As indicated in Table I, the total number since 1977 has declined from 964 to 449, a decrease of 53%.

Table 1. Trends in the number of junk yards located along trunk highways show a reduction over the last 10 years.

Junk Yards Along Minnesota Trunk Highways Since 1977

<u>Year</u>	<u>Nonconforming</u>	<u>Legal</u>	<u>Illegal</u>	<u>Total</u>
1977	531	191	242	964
1979	394	233	53	680
1984	354	192	59	605
1987	<u>256</u>	<u>133</u>	<u>60</u>	<u>449</u>
Total Reduction	275	58	182	515

III. Current Program

A. Inventory of Yards

Mn/DOT's District Offices have a current inventory of junk yards located along the trunk highways. Each District determines whether, according to state law, the yards should be considered nonconforming, legal or illegal. To make this determination, each District investigates county records to identify when the junk yard began operation. They also review county ordinances to determine whether the junk yards are in accordance with local laws. Illegal yards by local laws are considered illegal for the purposes of the state junk yard control program. The information is submitted to Mn/DOT Central Office for compilation into a statewide inventory. Following classification of the junk yards, plans for bringing illegal and nonconforming yards into conformance are developed and pursued. Both State and Federal Policy prioritize control methods as follows:

1. remove
2. screen
3. relocate

Mn/DOT District Offices annually re-evaluate Junk Yard classifications to determine the current number within each classification. These procedures will continue throughout implementation of this Action Plan and afterwards.

B. Classification of Yards and Definitions

Legal Junk Yards comply with the 1984 requirements of the Junk Yard Act. These yards include those located in zoned or unzoned industrial area, those located outside of industrial areas which are not visible or are more than one half mile away from the trunk highway system, and those located outside of zoned or unzoned industrial areas which have been screened, removed or relocated to comply with the Junk Yard Act.

Nonconforming Junk Yards are those yards established prior to July 1, 1971 that are located outside of a zoned or unzoned industrial area and which are within one-half mile of trunk highway right-of-way and which are visible from the highway.

Illegal Junk Yards are those established after July 1, 1971 which violate provisions of the Junk Yard Act or those yards which are located outside of a zoned or unzoned industrial area within one-half mile of a trunk highway from which junk becomes visible after the yard has been brought into compliance with the Junk Yard Act.

C. Changing Character and Size of Yards

The scope of the junk yards to be dealt with is constantly changing. Some yards are being brought into conformance while others previously in conformance again have junk visible from an adjacent trunk highway making the junk yard illegal. Still other new junk yards come into existence when, according to the law, five or more stored automobile hulks or their equivalent become visible from the trunk highway.

The classification of some yards is often difficult due to the fluctuating size, type of inventory and varying interpretation of State and Federal Statutes by owners and Mn/DOT staff. Control of these yards, having uncertain status, requires Mn/DOT to establish additional procedures for resolving these issues.

Growth and reduction in the size and number of junk yards in the state is directly related to steel production and the need for iron. As demand for scrap steel increases, the size of junk yards may be expected to decrease.

Abandoned vehicles and salvage sites of less than five hulks do not generally occur along trunk highways. There are many of these sites off the trunk highway system. A separate proposed program dealing with abandoned vehicles is addressed on page 9.

Continuous monitoring of current and potential sites is an important component of Mn/DOT's control program. It will continue to be a significant element during and after implementation of this action plan.

D. Current Program Summary

In 1984, 605 junk yards existed adjacent to Minnesota trunk highways. Of these, approximately 354 were classified as non-conforming, 59 as illegal, and 192 as legal.

In 1985, each District Office was requested to evaluate the nonconforming yards and identify to the Program Coordinator the most objectionable yards. The ranking was based on size, visual impact on highway users and location along tourist/recreational travel routes (see Appendix B). For each district these become the priority projects.

Mn/DOT's current program involves 256 nonconforming yards which the Department is continuing to remove, screen or relocate in order to bring them into conformance. All legal and illegal yards continue to be monitored.

From 1984 to the present time, 98 junk yards have been brought into conformance according to state law. In some instances Mn/DOT has only had a small part to play in bringing yards into conformance. Some owners, once Mn/DOT has informed them that they have a yard which is not legal under state statute, will pursue bringing the yard into conformance on their own. Other junk yards require intensive effort and legal involvement by Mn/DOT staff in order to bring them into conformance. Mn/DOT staff is currently pursuing 70 of the remaining nonconforming yards.

Junk yard cleanup can result in improved environmental and social benefits (see Appendix D).

Possible constraints to the program which have been identified are:

- . Uncooperative Owners
- . Identification of potential hazardous waste on site
- . Insufficient staff level
- . Unresolved legal issues

E. Junk Yard Project Work Sheets

The Program Coordinator is establishing project work sheets for each junk yard to allow more rapid monitoring, update and recall of data. The work sheets (see Appendix C) will include a method for tracking progress and changes for each junk yard. The Program Coordinator will use this inventory to identify status of each yard and the task assignments required to bring an illegal or nonconforming yard into compliance.

IV. Mn/DOT Action Plan

This junk yard action plan is one part of Mn/DOT's statewide efforts to coordinate with the objectives of CELEBRATION MINNESOTA 1990 to clean up and beautify Minnesota for the U.S. Olympic Sports Festival of 1990. Mn/DOT's CELEBRATION MINNESOTA 1990 program manager will coordinate all aspects of Mn/DOT's programs which are being accelerated as a result of the initiatives of the Governor's representative for CELEBRATION MINNESOTA 1990. The people involved with implementing the junk yard action plan must consult and work with the Mn/DOT CELEBRATION MINNESOTA 1990 program manager to insure the accomplishments are in keeping with Department program objectives.

In order to meet the target date of January 1, 1990, Mn/DOT intends that 60% of the 256 + nonconforming yards will be brought into conformance in 1988 and the remaining 40% will be eliminated or screened by the time CELEBRATION MINNESOTA 1990 is underway.

A. Staff and Funding Needs

Accelerated activity is required to accomplish the objectives of this plan. Based on these objectives, the following additional staff is required.

<u>New Positions</u>	<u>Effective Date</u>
Program Manager/Expeditor One year appointment/rule ten (renewable)	11/12/87
Right-of-Way (ROW) Consultant (4 Part Time) Temporary consultant contract	11/12/87
Technical Support Staff Permanent, from existing Mn/DOT Complement	11/30/87
 <u>Existing Positions/Continuing Responsibility</u>	
Program Coordinator	-
Attorney General Advisor	-
Central Office Right-of-Way	-
Environmental Services - Design Pool	-
District Staff	-
 <u>Existing Positions/Changes in Responsibility</u>	
Project Design Coordinator	11/12/87

The focus activities to expedite work are identified in Section VI, page 10.

Funding for the junk yard program is authorized through legislative appropriations from the Motor Vehicle Transfer Fee fund Mn. Statute § 115A.908 (see Table 2).

To meet the stated objective for accelerating the junk yard control program for completion by 1990, additional appropriations will be needed to cover the cost of rapidly removing, screening, and relocating the 256 + nonconforming junk yards remaining on the inventory (see Table 1).

Table 2. State monies appropriated and spent from General Fund (GF) and Motor Vehicle Transfer Fee (MVTF) fund for fiscal years 1985-1989.

<u>Fiscal Year</u>	<u>Appropriation</u>	<u>Allotment Remaining</u>	<u>Encumbrance</u>	<u>Spent</u>	<u>Allotment Free Balance</u>
1985	GF 250,000.00	41,000.00	-0-	76,533.00	-0-
1986	MVTF 860,300.00	856,499.20	721,000.00	55,285.56	80,213.64
1987	MVTF 868,800.00	868,799.20	867,800.00	999.20	-0-
1988	MVTF 868,800.00	868,800.00	-0-	-0-	868,800.00
1989	MVTF 868,800.00	868,800.00	-0-	-0-	868,800.00
Total	\$3,716,700.00				

Mn/DOT has received \$588,300 in federal junk yard funding since 1984. Of this money \$198,678 has been spent resulting in a savings of state funds. The remaining federal balance is available for the remaining nonconforming yards. In addition, Mn/DOT may be able to capture an additional \$400,000 in federal funding as a result of Minnesota being the only state actively pursuing federal funds for junk yard control. These monies are 75% federal and 25% state matching funds. For every dollar the state provides, three dollars of matching federal dollars are provided. Mn/DOT continues to actively pursue more federal junk yard monies. Proposed new program staff and consultants will be funded from the Motor Vehicle Transfer Fee funds through 1990.

B. Illegal and Legal Yards

Mn/DOT through its District Offices currently cites the owners of junk yards identified as illegal on trunk highways. Mn/DOT does not monitor or enforce illegal junk yard activities on the local and County road systems. If Mn/DOT's citation receives no response or action from the owner, the citation is referred to the County Attorney for legal action. At the present time, follow-through on the part of the counties is not occurring at a rate commensurate with action plan objectives. In order to improve this situation, the Districts and the Attorney General's Office will take a proactive roll in notifying county attorneys regarding the need to actively and aggressively pursue the elimination of illegal junk yards statewide.

Through regular surveillance Mn/DOT documents the changes in status of junk yards statewide. Frequently new junk yards come into existence illegally or legal yards may become illegal. Mn/DOT anticipates that there will be a continual turn over of approximately 50-60 junk yards which will be in illegal status. These junk yards will require ongoing monitoring and legal processing.

Numerous junk yards which are located along the trunk highway system in zones that allow for such land use, continue to provide a negative visual impact to the traveling public. As part of the objectives for CELEBRATION MINNESOTA 1990, Mn/DOT District Offices in cooperation with the Central Office will establish criteria to review legal yards in order to identify those which are "unacceptable" in terms of the images they convey. Mn/DOT will pursue a way for visually

enhancing these legal unacceptable yards located along the trunk highway system.

The accelerated proactive status of this program will be strongly communicated to the Districts and other Mn/DOT staff involved and to the nonconforming junk yard owners/operators.

C. Legislative Recommendation

The accelerated program, according to Mn/DOT's best estimate, at this time, will require additional funds. It is recommended that an additional appropriation of \$1,600,000.00 be included in Mn/DOT's biennial budget appropriation request.

The appropriation request should include language which would allow all unused appropriations to remain available for the junk yard program until clean up activities are complete or monies have been spent.

V. Other Legislative and Program Considerations

In order to complete the objectives of CELEBRATION MINNESOTA 1990 other important control programs require implementation. Currently a larger number of junk yards and abandon vehicles exist along the local and county road systems (over which Mn/DOT does not have legal jurisdiction) than along the trunk highway system. A positive incentives program for local governments should be established to assist in the control and enforcement of various junk yard activities. Grant funding for local governments should be developed to assist in enforcement of illegal junk yards, and in the beautification and enhancement of legal junk yards which are visually unacceptable.

Accelerating action against illegal junk yards off the trunk highway system requires involvement by local units of government. It is recommended that a local unit of government incentive grants program be established to encourage active participation of local units of government in the elimination of illegal junk yards identified along local and county roads and on trunk highways. Such a grant program would provide monies for prosecution, legal staff and administrative processing.

Through stronger marketing of the program to local units of government, they would be encouraged to more effectively enforce their ordinances.

While many junk yards throughout the state are located in zones that allow for such land use, they continue to provide a negative visual impact to the traveling public. They are legal but they are "unacceptable" in terms of the images they convey. To encourage counties and local units of government to beautify unacceptable yards on local and county roads, it is recommended that an incentive grants program be established for local units of government to assist owners with landscaping and beautification of legal unacceptable junk yards.

The other significant program which Mn/DOT does not have legal jurisdiction over is the statewide Abandon Motor Vehicle Program. Implementation of this program, to address the many abandoned vehicles off the regular trunk highway system, is complex and requires local government participation. A grant funding program for local units of government should be developed to assist in the implementation and administration of an abandon motor vehicle collection program. Such a statewide program could be coordinated through the Minnesota Pollution Control Agency (MPCA).

VI. Focus Activities to Expedite Work

In order to speed junk yard control, assigned Mn/DOT staff must clearly understand their duties. Staff members must complete each phase of their responsibilities rapidly. In addition internal and external communications and operations to implement the Action Plan must be expedited.

Communications must be facilitated (tracked) between Central Office Right of Way, Environmental Services, Attorney General's Office, Consultant Services, Design Services and the Districts to expedite actions. Progress of the program must be reported to the Commissioner of Transportation, the Governor's representative for CELEBRATION MINNESOTA 1990 and other groups and agencies, every other month starting January 1, 1988.

Frequent field contacts with each District office and District Program Coordinator to review progress, tasks to be done and program problems, are an important part of expediting the program. Problem solving must result. Bi-monthly progress reports are to be submitted.

Screening design and planting plans for non-conforming yards must be developed and processed rapidly. Design work of the District Design staff and ESS design assistance must be coordinated.

Statewide junk yard inventories must be kept up to date. The current status report of all screening projects will be updated monthly. A project design file for each yard being screened will be maintained. A computerized inventory and project work sheet for each yard will be set up and maintained.

The right of way consultants are to facilitate the right-of-way process and negotiations necessary for removal, screening, or relocation of junk yards. This will involve active field work to bring yard owners and scrap crushers together. In addition consultants will assist districts with contacting yard owners, determining actions to be taken, conducting title searches and compiling files for right of way processing.

In Environmental Services Section the landscape architect and drafting pools will provide team design as needed focusing on junk yard plans in upcoming lettings.

VII. Process for Control of Nonconforming Junk Yards

The process for bringing nonconforming yards into compliance is established in the Mn/DOT Right of Way Manual, Section 5-491.306. Determination of the control method of yards is defined in the ROWM 5-194.306.3. A determination of the appropriate control method will be made based on consultation with the owner and preliminary design and cost estimate for screening.

The following outlines the process used in each of the potential methods for control of a nonconforming yard.

A. Acquisition

1. Site review

District ROW staff in consultation with ROW consultants will make a field visit to site and meet with the owner to determine the level and value of inventory, method of disposal and time frame to complete the inventory acquisition.

2. Right of way acquisition process

District ROW staff with assistance from ROW consultants will proceed to acquire junk yard inventory in accordance with the ROWM, Section 5-491.306.

3. Removal of inventory

District ROW with assistance from ROW consultants will assist owner with disposal of junk yard inventory.

4. Letter of Conformance

Upon completion of acquisition, the District Engineer will issue a letter of conformance to be signed by the owner establishing the date of compliance with state law. A copy will be sent to the Program Coordinator.

B. Screening

1. Site review

District ROW staff and Environmental Services Section (ESS) Design staff will make a field visit to the site to establish design considerations and intent of owner regarding business operation.

2. Preliminary screen design

District ROW staff and ESS design staff will determine feasibility to screen junk yard and prepare a preliminary cost estimate.

3. Review preliminary screening design with the owner.

District ROW and ESS design staff, in consultation with Program Coordinator, will review screen location and design and owner responsibilities with the owner.

4. Right-of-way easement processing

ROW Consultants, District and Central Office ROW staff will process in accordance with ROWM, Section 5-194.306.

5. Site surveys

District Junk Yard Coordinator will initiate all requests for site survey, soils data and other engineering field work.

6. Programming

District Junk Yard Coordinator will initiate all program management system scheduling (PMSS).

7. Final design

District Detail Design staff will prepare all PS&E documents for structural and combination structural and landscape plans. ESS design staff will prepare all PS&E documents for landscape plan packages.

8. Scheduled lettings

The Office of Technical Support located in Central Office is responsible for the letting of all contract bids using the standard Mn/DOT procedures.

9. Letter of Conformance

Upon completion of screening efforts, the District Engineer will issue a letter of conformance to be signed by the owner establishing the date of compliance with state law. A copy will be sent to the Program Coordinator.

C. Relocation

1. Site review

District ROW staff in consultation with ROW consultants will make a field visit to site and meet with the owner to determine the level of inventory, method of disposal or relocation time frame to complete relocation and optional sites for relocation.

2. Relocation process

District ROW staff in consultation with Central Office ROW Section will verify compliance of proposed site and relocate the yard inventory according to ROWM, Section 5-491.306.

3. Removal of inventory

The District Junk Yard Coordinator is responsible for the inspection of each site following relocation to assure that proper cleanup has been accomplished.

APPENDIX A

Minnesota State Statute 1982 161.242 JUNK YARD ACT.

Subdivision 1. **Legislative findings and purpose.** It is hereby found that the operation of motor vehicle, agricultural, construction machinery or other junk yards adjacent to the trunk highways on which motor vehicles are operated is a distracting influence on drivers, thereby impairing the public safety; and that junk yards are unsightly, thus impairing the public investment in such highways. It is hereby found and declared that in the interest of and to promote the public safety, to protect the public investment in such highways, and to preserve natural beauty, it is necessary to regulate the operation of junk yards on lands adjacent to the trunk highways of the state.

Subd. 2. **Definitions.** (1) For the purposes of this section, the terms defined in this subdivision shall have the meanings given them.

(2) Junk yard means an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota pollution control agency, any of which are wholly or partly within one half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

(3) Dealer means any person, partnership, or corporation engaged in the operation of a junk yard.

(4) Junk means old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(5) Automobile graveyard means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(6) Unzoned industrial area means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and the land within 1,000 feet thereof which is located on the same side of the highway as the principal part of said activity, and not predominantly used for residential or commercial purposes, and not zoned by state or local law, regulation or ordinance.

(7) Industrial activities means those activities permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the state, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the state, except that none of the following shall be considered industrial activities:

(a) Outdoor advertising devices as defined in Minnesota Statutes 1969, Sections 173.02, Subdivision 2.

(b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(c) Activities normally and regularly in operation less than three months of the year.

(d) Activities not visible from the traffic lanes of the main traveled way.

(e) Activities conducted in a building principally used as a residence.

(f) Railroad tracks, minor sidings, and passenger depots.

(g) Junk yards, as defined herein.

Subd. 3. Unauthorized junk yards prohibited. (a) A junk yard may not exist or be operated outside a zoned or unzoned industrial area, including those located on public lands, unless it is screened 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 that will eventually achieve effective screening shall be acceptable. Plantings shall be used in connection with any fence or other non-natural screening device.

(b) A portion of a junk yard that cannot be effectively screened must be removed or relocated under the provisions of this section. A junk yard lawfully existing along a highway that 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. Any junk yard that comes into existence after July 1, 1971 that does not conform to this section, or that becomes nonconforming after July 1, 1971, or that 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 junk yard is located and may screen the same, or may relocate or dispose of the junk yard 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 recover 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 junk yard is located. Any costs recovered by the commissioner shall be deposited in the general fund.

(c) None of the articles commonly found in junk yards 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 junk yard be allowed to extend above existing or planned screening so as to be visible from the highway.

Subd. 4. Authority; enforcement. The commissioner shall screen junk yards 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 junk yard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the other provisions of this section, if a junk yard 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.

Subd. 5. Penalty. The owner or dealer of any junk yard which is declared a public nuisance and illegal under subdivision 3, clause (2), or who violates any provision of this section shall be guilty of a misdemeanor. Each day such a condition exists is a separate offense.

Subd. 6. Agreements with United States. The commissioner is authorized to do all things necessary, including, but not limited to, entering into agreements with the United States or any of its agencies or departments as provided in Title 23, United States Code, Section 136, with respect to control of junk yards, or any other applicable federal statute, and the rules and regulations promulgated pursuant thereto, to accomplish the purposes of this section and to take such action as may be necessary to obtain all available federal moneys therefor.

Subd. 7. Other regulation allowed. Nothing in this section shall be construed to limit any right, power or authority to regulate more strictly and control the erection or maintenance of junk yards under the provisions of any other law of this state.

Subd. 8. Citation. This section is the junk yard act.

Subd. 9. [Unnecessary]

History: 1965 c 674 s 1-6; 1971 c 881 s 1; 1973 c 35 s 35; 1974 c 483 s 9; 1975 c 266 s 1; 1981 c 357 s 50; 1984 c 654 art 3 s 54,55

APPENDIX C

JUNKYARD PROJECT ACTIVITIES SCHEDULES

DIST: 1 T.H. 169 S.P. 6934

OWNER: Kotula

LOCATION: Hibbing, MN

TREATMENT: Relocation

LETTING DATE: N/A COMPLETION DATE: June, 1988

FUNDING: State

DIST. COORD: Stensberg DESIGNER: N/A

PROJECT ACTIVITIES

	<u>START DATE</u>	<u>COMPL. DATE</u>	<u>REMARKS</u>
Field Reviews	<u>6/85</u>	<u> </u>	<u> </u>
Treatment Determin.	<u>7/85</u>	<u>12/85</u>	<u> </u>
Initial Owner Contact	<u>7/85</u>	<u> </u>	<u> </u>
Concept Plan	<u>N/A</u>	<u> </u>	<u> </u>
Owner Review/Approval	<u> </u>	<u> </u>	<u>Approval Pending</u>
Inventory Appraisal	<u>1/87</u>	<u>11/87</u>	<u> </u>
Property Titles	<u>3/87</u>	<u>3/87</u>	<u> </u>
R/W Author. Map	<u>4/87</u>	<u>4/87</u>	<u> </u>
Obtain Easement	<u> </u>	<u> </u>	<u>N/A</u>
Surveys	<u> </u>	<u> </u>	<u>N/A</u>
Soil Testing	<u> </u>	<u> </u>	<u>No Hazardous Material</u>
Prelim. Plans	<u> </u>	<u> </u>	<u>N/A</u>
Inventory Disposal	<u> </u>	<u> </u>	<u>N/A</u>
Final Plans	<u> </u>	<u> </u>	<u>N/A</u>
Letter of Compliance	<u> </u>	<u> </u>	<u> </u>

General Comments: Completion of project depends on owner accepting low relocation bid.

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'MN/DOT funds assure cleanup of scrapyard

The hope that the old Jennings scrapyard might some day become a downtown city park received a big boost on Friday when the Minnesota Department of Transportation (MN/DOT) agreed to pay for removal of the remaining junk.

Keith Hagen, secretary of the Spring Valley Area Development Corporation, received a signed contract on Friday in which MN/DOT agreed to pay for cleaning up the scrapyard and also expanding the city's demolition landfill. The development corporation owns the scrapyard. All cleanup work is to be completed by Dec. 1.

The \$46,500 grant from MN/DOT will cover the cost of removing all the tires and other junk to ground level. It also includes \$8,000 to permit the city to enlarge its demolition landfill, which will receive a portion of the junk from the scrapyard.

Estimates of the number of old tires remaining in the landfill range from 12,000 to 20,000. These will be removed and taken to a state-approved facility. Tires cannot be placed in waste landfills.

Refrigerators, batteries and used oil cannot be placed in the demolition landfill. These will have to be disposed of at an approved site for this type of material.

The former owner of the scrapyard has been removing junk from the site for many years. The abandonment of rail service in Spring Valley made it expensive to get the junk to a site where it could be sold. However, he removed enough of the junk so that MN/DOT agreed to pay for the remaining cleanup job.

Bustad Crane Service of Austin received the contract to handle the cleanup.

The scrapyard site was given to the Spring Valley Area Development Corporation by Wilbur Jennings. It is hoped that the property eventually can become a city park.