

# MAP 21 – HOW MAP 21 AFFECTS JUNKYARD CONTROL

by

Barbara M. Wessinger  
Assistant Chief Counsel

South Carolina Department of Transportation



# PURPOSE OF FEDERAL LAW

- ▶ 23 U.S.C.A. § 136
- ▶ The Congress declared that junkyards in areas adjacent to the Interstate System and the primary system should be controlled in order to:
  - ▶ (1) protect the public investment in highways,
  - ▶ (2) promote safety and recreational value of public travel
  - ▶ (3) to preserve natural beauty



# CONTROL ROUTES

- ▶ Control routes are the:
  - ▶ Interstate system
  - ▶ Primary system and Federal-aid primary system means any highway that is on the National Highway System

Control routes include Interstate and NHS routes regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways.



# WHAT ARE JUNKYARDS?

- ▶ Junkyard shall mean an establishment or place of business which is:
  - ▶ maintained, operated, or used for storing, keeping, buying, or selling junk, or
  - ▶ for the maintenance or operation of an automobile graveyard.



# JUNKYARDS INCLUDE

- ▶ garbage dumps
- ▶ sanitary fills (sanitary landfills need not be screened but landscaping is required)
- ▶ scrap metal processors
- ▶ auto-wrecking yards
- ▶ salvage yards
- ▶ scrap yards
- ▶ auto-recycling yards
- ▶ used auto parts yards and
- ▶ temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.



# WHAT IS NOT A JUNKYARD?

- ▶ The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
- ▶ Illegal junkyard is one which was established or maintained in violation of federal or state law.



# WHAT IS JUNK?

- ▶ Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.



# WHAT IS AN AUTOMOBILE GRAVEYARD?

- ▶ Automobile graveyard means any establishment or business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled motor vehicles or motor vehicle part
- ▶ 10 or more such vehicles constitute automobile graveyard





## EFFECTIVE CONTROLL REQUIRED

- ▶ States mandated to effectively control junkyards along the Interstate System and NHS, which are:
  - ▶ (1) outside of industrial areas;
  - ▶ (2) within 1,000 ft of the nearest edge of the right-of-way;
  - ▶ (3) visible from the main traveled way of the system. Main traveled way does not include frontage roads, turning roads, or parking areas.



# INDUSTRIAL AREAS

- ▶ Junkyards may be operated within 1000 feet if located in:
  - ▶ (1) zoned industrial areas
  - ▶ (2) no zoned but used for industrial activities determined by state and approved by FHWA



## EFFECTIVE CONTROL MEANS

- ▶ Junkyards shall be screened, so as not to be visible from the main traveled way,

or

- ▶ shall be removed from sight.



## FOR EFFECTIVE CONTROL, STATES MUST:

- ▶ Prohibit the establishment of new junkyards unless they comply with the law,
- ▶ Expeditiously require junkyards which are illegal to conform to the law
- ▶ Establish laws, rules, and procedures sufficient to provide effective control



# FEDERAL PARTICIPATION

- ▶ The Federal share of landscaping and screening costs shall be 75 per centum.
- ▶ Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law. The Federal share of such compensation shall be 75 per centum.



# SCREENING AND RELOCATION

- ▶ Screening by use of natural objects, landscaping plantings, fences, and other appropriate means,
- ▶ Where screening is used, it must, effectively screen the junkyard from the main traveled way on a year-round basis, and be compatible with the surroundings.
- ▶ A junkyard should be relocated only when other control measures are not feasible.



# RELOCATION ASSISTANCE BENEFITS

- ▶ Relocation assistance (49 CFR Part 24) is available:
- ▶ Actual reasonable moving expenses of the junk or, if the eligibility requirements are met, a payment in lieu of such expenses.
- ▶ Relocation assistance in locating a replacement business.
- ▶ Moving costs of personal property from a dwelling.
- ▶ Replacement housing payments if necessary for junkyard control.



# NONCONFORMING JUNKYARDS

Nonconforming Junkyard is one lawfully established, but does not comply with current law or regulations, or later fails to comply due to changed conditions.

There must be existing property rights in the junkyard or junk. Abandoned junk and worthless junk are not similarly protected.

If changed as a result of a right-of-way taking, then treated as new junkyard

May continue as long as it is not extended, enlarged, or changed in use, otherwise treated as a new junkyard.

May continue as long as not abandoned, destroyed, voluntarily discontinued





## IF NONCONFORMING JUNKYARD

- ▶ Screening or removal shall be performed within a reasonable time,
- ▶ but no later than 5 years after the date the junkyard becomes nonconforming
- ▶ unless Federal funds are not available [75 per centum.]



# STATE CAN IMPOSE STRICTER STANDARDS

- ▶ Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to outdoor junkyards on the Federal-aid highway systems than those established under federal law.



# PENALTY PROVISION

- ▶ Failure to effectively control reduces Federal-aid highway funds to any State by:
  - ▶ equal to 7 percent of the amounts otherwise apportioned to the State
  - ▶ until such time as such State shall provide for effective control.



