

- SUBJECT:** Injunctive relief for Harris County wrecking and salvage yard violations
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 5 ayes — Krusee, Phillips, Hamric, Deshotel, West
0 nays
4 absent — Callegari, Casteel, Flores, Hill
- WITNESSES:** For — Stephen Cooney, Bellmar Civic Club; Michael Ledbetter, Aldine Improvement District; Glenn Nitsch, Bellmar Civic Club; Zera Presley, Bellmar Civic Club, Northline Civic Club; A.D. Rodriguez, Harris County Sheriff's Department
Against — None
- BACKGROUND:** Transportation Code, chap. 397 sets fence, inspection access, location, and drainage requirements for automobile wrecking and salvage yards established on or after September 1, 1983, in unincorporated areas of Harris County.

Among other restrictions, an automobile wrecking or salvage yard may not be established within 300 feet of a church, school, or home, must be surrounded by a suitable fence, and must have appropriate drainage.

A violation of these provisions is a class C misdemeanor (maximum fine of \$500).
- DIGEST:** HB 414 would amend Transportation Code, chap. 397 to provide for injunctive relief against a violation or threatened violation of the requirements for automobile wrecking or salvage yards in unincorporated areas of Harris County.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 414 would strengthen enforcement of the requirements in current law concerning auto wrecking and salvage yards in areas of Harris County outside of city regulation. Harris County, home to 30 percent of the state's salvage yard industry, does not issue permits for salvage yards. Some yards in unincorporated areas operate with a salvage dealers license issued by the Texas Department of Transportation (TXDOT) but without county permits. This shields them from routine inspections by the federal Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ).

As a result, salvage yards easily ignore chap. 397 requirements. When salvage yards violate the current provisions, the county cites them for a class C misdemeanor, which results in a fine but does not compel compliance with the law. Salvage yards regard these relatively low fines as the cost of doing business.

The Bellmar Civic Center in Harris County has filed suit against three salvage yards in its community. The Bellmar community has more than 500 residents, most of whom have water wells in their back yards. The Bellmar Civic Center claims the salvage yards are in violation of chap. 397, endangering groundwater and threatening their community. The salvage yards have located within a few feet of homes and do not properly dispose of gas and oil from automobiles. Dirt piles in some salvage yards have created hazardous flooding potential. The yards do not maintain proper fencing and residents fear materials and cars, stacked above permissible fence levels, will tumble over and cause injuries.

HB 414 would give Harris County citizens the right to protect their community and environment from salvage yard abuses. Injunctive relief already is provided to the rest of the state under Transportation Code, chap. 396 in sec. 396.002. This bill would extend the same protection to Harris County.

**OPPONENTS
SAY:**

HB 414 could force some Harris County salvage yards out of business, and their employees would lose their livelihoods. If location, fencing and maintenance requirements were strictly enforced, some existing businesses would have to shut down. Some salvage yards would not be able to move their businesses or afford the other changes.

Deciding to enforce the restrictions in current law long after the salvage yards already have established their businesses would not be fair. Had chap. 397 provisions been enforced against salvage yard owners upon their obtaining licenses from TXDOT, or had TCEQ or the EPA monitored them for compliance, their businesses would not be threatened today. Chap. 396 of the Transportation Code, which sets requirements for salvage yards in counties other than Harris County, provides for injunctive relief but does not have the same strict land use and maintenance requirements as chap. 397.

NOTES:

The companion bill, SB 280 by Gallegos, passed the Senate on March 17 on the Local and Uncontested Calendar and was reported favorably, without amendment, by the House Transportation Committee on April 5, making it eligible to be considered in lieu of HB 414.