

SUBJECT: Revising setback requirements for junkyards, wrecking and salvage yards

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Pickett, Martinez, Burkett, Fletcher, Israel, Minjarez, Paddie,  
Phillips, Simmons

2 nays — Harless, Murr

2 absent — Y. Davis, McClendon

SENATE VOTE: On final passage, May 4 — 20-11 (Birdwell, Burton, Hall, Hancock,  
Huffines, Nelson, Nichols, Perry, Schwertner, Seliger, V. Taylor)

WITNESSES: (*On House companion bill, HB 2044*)

For — Rhonda Tiffin, Webb County Commissioners Court

Against — None

BACKGROUND: Transportation Code, ch. 396 establishes requirements for automobile  
wrecking and salvage yards. Sec. 396.022(a) restricts the location of the  
entities and prohibits junkyards and automotive wrecking and salvage  
yards from being located within 50 feet of the right-of-way of a public  
street, state highway, or residence.

DIGEST: CSSB 1436 would amend the setback restriction applied to junkyards and  
automotive wrecking and salvage yards and residences so that the yards  
could not be within 50 feet of the nearest property line of a residence.

The bill would take effect September 1, 2015, and would apply only to  
junkyards and automotive wrecking and salvage yards that began  
operating on or after that date.

SUPPORTERS SAY: CSSB 1436 would clarify the measuring point for the setback requirement  
for junkyards and automotive wrecking and salvage yards so that both  
residents and businesses were treated fairly. The bill also would protect

the health and safety of those living near these businesses.

Current law prohibits junkyards and automobile wrecking and salvage yards from being within 50 feet of a residence, a reference point that can move. For example, a house could burn down and be rebuilt in a different place or a house could be built on previously unoccupied land. Questions also can arise about whether the setback should be measured from the main building or an auxiliary building of a private residence. These situations could result in varying reference points being applied to different businesses and could require some businesses to move to meet the requirements. Some situations could result in a junkyard or automobile wrecking and salvage yard being closer to a residence than some may feel is appropriate, which could raise health and safety concerns.

The bill would address these issues by establishing a fair reference point that could be accurately applied in all situations and would facilitate the coexistence of residences with junkyards or automotive wrecking and salvage yards. The bill would ensure that there would be an appropriate setback from all residences to protect the health and safety of those who live on property adjacent to these entities. The bill would mirror the existing requirement that a setback be at least 50 feet from a public street or state highway right-of-way.

The bill would not create new regulations for these businesses. A setback requirement in these situations already exists, and the bill merely would adjust it. The adjustment in the bill would be fair to existing facilities as it would apply only to junkyards and automotive wrecking and salvage yards that began operations after the bill's effective date.

**OPPONENTS  
SAY:**

Current law establishes effective setbacks of junkyards and automotive wrecking and salvage yards from residences. Moving the reference point to the property line could result in unreasonable restrictions on private businesses. For example, a residence itself could be built far from a property line or a piece of property could be undeveloped.

**NOTES:**

The House companion bill, HB 2044 by Raymond, was considered in a

public hearing of the House Transportation Committee on April 16 and left pending.