

Public Health Associated with Homeless Encampments on Department Owned Rights of Way

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The following report provides the agency's response to the proviso found in the 2023-25 Transportation Budget, ESHB 1125, Section 216 (4), regarding Public Health Associated with Homeless Encampments on state-owned rights of way (see appendix for full proviso). The Washington State Department of Transportation continues its work to clear encampments along agency owned rights of way – a result of the lack of affordable housing and homelessness crisis felt both locally and nationally. While we've had some early successes stabilizing and/or clearing some sites, WSDOT is not equipped to resolve the underlying causes of homelessness alone. WSDOT's approach recognizes that the agency is but one leg of the stool of services that must be provided to successfully connect people to safe and stable housing and get them the resources they need to achieve housing stability indoors. And while our efforts and partnerships have humanely transitioned some people experiencing homelessness on rights of way into stable, secure shelter, we acknowledge there is more work to be done.

This report focuses on the work done under the Maintenance Program provisos for WSDOT to address encampments on rights of way. It is important to note that this WSDOT-directed proviso work and funding is separate – though similar – to the work done under the state Encampment Resolution Program (ERP), formerly known as the state Right of Way Safety Initiative proviso which provided funding to the Department of Commerce (COM) and created partnerships with WSDOT, Washington State Patrol (WSP) and local service providers (see section below for synopsis of ERP work). However, some of the WSDOT-specific funding is at times used in the ERP work or in specific city provisos to support efforts at initiative sites that qualify under both proviso efforts.

WSDOT maintenance crews are responsible for maintaining and preserving the state's transportation system. That work often includes crews conducting pothole repairs, clearing catch basins or clogged culverts, vegetation management, safety rest area maintenance, mowing for sightlines, snow/ice removal,

sign washing and responding to real-time emergencies. Agency road crews are not suitable nor the trained subject matter experts to be social service providers, licensed counselors or law enforcement personnel. The department relies heavily on other state agency, non-profit, local jurisdictional and behavioral health partners to take action before a site can be cleaned.

There are four actions that allow encampments to be removed from WSDOT right of way:

1. The offering of shelter and services to people living there
2. Storage of their belongings
3. Safety and security for people on site and work crews
4. Restoration and cleanup of the property

WSDOT's responsibility and expertise is limited to the last action, the clean-up of right of way. As such, the agency must rely on partnerships with local jurisdictions, law enforcement and social services when addressing any area with an encampment. And, the overarching need is for creation of safe, secure housing options for people experiencing homelessness, which is well beyond the expertise, ability or funding of a transportation agency. WSDOT engages with a variety of partners when there is an immediate safety threat at a particular encampment on our right of way but given the number of encampments and limited resources, the agency is unable to address all of them with the care, compassion, and resources such work requires.

Law enforcement support and presence of encampment cleanups

WSP plays an important role in assisting people who live along the state's rights of way transition into safe, sustainable housing alternatives. As the enforcement agency for state highways, WSP troopers provide a secure environment for WSDOT crews to mitigate a site after it has been posted for cleaning.

Troopers also partner with local law enforcement personnel and first responders in addressing reported

crimes and other public safety concerns at known encampments. As the process of resolving each encampment matures, WSP also coordinates with WSDOT and other service providers on strategies to minimize the likelihood of any re-encampment efforts.

Both agencies acknowledge that it's not safe nor humane for individuals to live along state rights of way, for the unsheltered, the neighboring communities and the traveling public. WSP's approach acknowledges a thoughtful partnership while addressing criminality and public safety concerns.

While the current method of preventing re-encampments over time includes site-level modification and monitoring and trespass enforcement, these are not sustainable as the overarching need also includes more housing, services and support to help people move inside and be successful in breaking the cycle of homelessness.

Washington's affordable housing crisis is consistent

with what other cities, counties and states experience along with many social and cultural challenges that contribute to an increasing number of people living outside that require coordinated attention by a variety of service providers. The current levels of collaboration and focused determination are WSP and WSDOT's best pathways to significant and sustainable resolution.

Working with a local government, WSDOT has worked with the city of Vancouver funding outreach to help with their Safe Stay Communities program. They have established four of these communities as a part of their homelessness response plan. Since opening, the communities have served more than 240 people, helped more than 50 residents gain employment and placed more than 80 individuals in stable housing. This service reduces barriers to accessing services by providing support and stability.

A Notable success:



(images provided by the City of Vancouver newsletter)

Pictures of two Safe Stay locations that are now established and providing shelter, storage, community space, garbage service, port-a-potties/handwashing station and fencing with privacy screening. They are called "Kiggin's Village" and "Hope Village". Two other locations not pictured are "The Outpost" and "Safe Stay Village 3". All of these are provided within the city of Vancouver city limits.

Highlights and challenges:

- Lack of enough safe, stable housing for people living unsheltered on WSDOT right of way – housing availability is the biggest obstacle in resolving the challenge of homelessness.
- A variety of available housing options is ideal for moving a large encampment because of mental health, domestic violence security, privacy and other concerns that prevent some residents from functioning in a congregate shelter.
- Jurisdictional, law enforcement and behavioral health partnerships are vital to lasting change and reducing the footprint of an encampment, with the goal of closing a known site altogether. Without this approach, people will often cut fencing to return to a cleared site or simply move to a new spot within hours of a cleaning a location.

Data

Previous versions of the agency’s reports on WSDOT’s approach and progress can be found online at: wsdot.wa.gov/about/accountability/legislative-reports, with the most recent being [November 2023](#) which includes full fiscal year data. As fiscal year 2024 is not complete, we will be sharing a summary as of February 2024.

Throughout the 2023-25 biennia, the WSDOT Maintenance Program was appropriated separate amounts of funding directed at improvements in safety associated with encampments on active WSDOT right of way. Costs include WSDOT crew and contractors’ time, equipment and disposal fees, funding for law enforcement/WSP costs at sites to assist with security or trespass removals as well as costs to secure and restore the vacated sites. It is important to note the costs reported below associated with proviso funds are isolated to the Maintenance Program only, as that group is responsible for the

active right-of-way. There are additional encampment related costs incurred by other parts of WSDOT, including active capital projects, that are not represented in this report.

Appropriation Name	Amount	Expended Jul 2023 – Mar 2024
City of Seattle*	\$1,025,000	\$739,000
City of Tacoma*	\$1,015,000	\$706,000
City of Fife*	\$1,500,000	\$130,000
City of Spokane*	\$1,000,000	\$128,000
Statewide Public Health	\$7,000,000	\$4,659,000
Total	\$11,540,000	\$6,362,000

* Separate proviso but similar scope of work

Of the \$7 million Statewide Public Health funding listed above, WSDOT has partnered with local governments and/or service providers to address encampments, including outreach and options to people living in encampments as well as clearing sites once that outreach has taken place. The agency signs memorandums of understanding with each jurisdiction for the work. Notable existing agreements include:

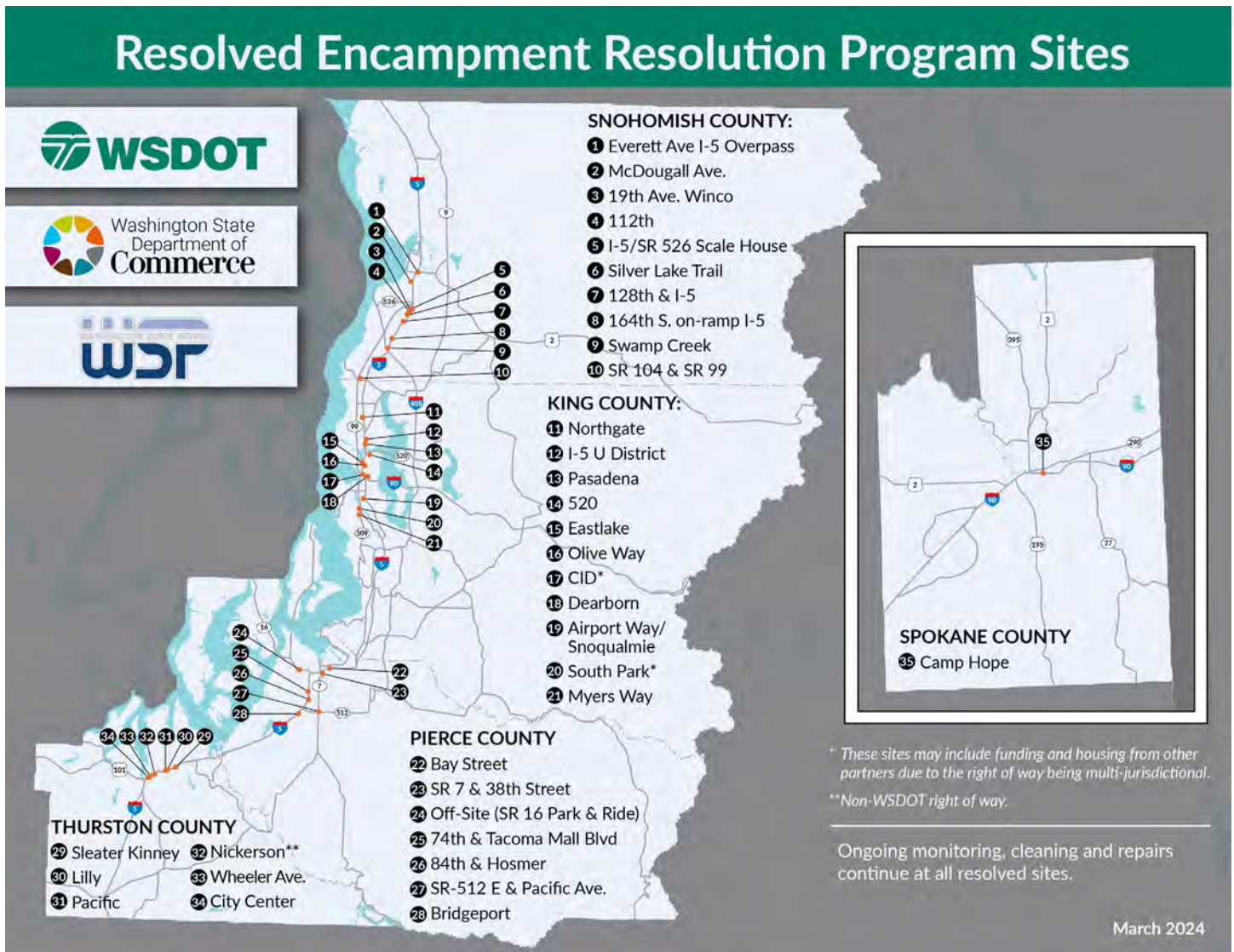
- City of Vancouver with \$75,000 in reimbursements this biennium to date
- City of Lacey with \$133,000 in reimbursements this biennium to date
- Douglas County with \$47,000 in reimbursements this biennium to date
- City of Wenatchee with \$12,000 in reimbursement this biennium to date

Due to the outstanding obligations for reimbursement under these agreements, as well as the on-going cleanup and restoration work statewide, WSDOT expects to fully expend the remainder of these proviso funds on or before June 30, 2025.

Encampment Resolution Program

As noted above, the work under this proviso to the Department of Commerce is similar in general approach but is separate from the WSDOT-specific funding provided in the Maintenance Program. The Encampment Resolution Program includes a partnership between Commerce, WSDOT, WSP and many local governments and/or service providers, and is initially focused on five counties: King, Pierce, Thurston, Snohomish and Spokane. (See graphic “Resolved Encampment Resolution Program Sites” below)

The proviso language requires offers of shelter/ housing be made to everyone in an encampment site before it can be cleared and that the housing should be a “meaningful improvement over the individual’s current living situation” and be “well-matched to an individual’s assessed needs.” This is labor- and time-intensive work by service providers but has been found to be the best chance for long-term success in putting people on a path of success. More information is available in the [WSDOT blog](#) on the efforts that rely on available shelter/housing being available in each jurisdiction.



Moving forward

Each site and community are different, which is why it's so important to have meaningful, productive partnerships with local governments and outreach groups. The local governments and outreach partners play key roles because they're able to identify their local needs as well as have the connections with area providers who can help meet those needs on the ground.

Based on this direction and remaining available funding, WSDOT continues communication with other organizational partners and jurisdictions who may be interested in working together using this model. WSDOT cleanup activities are on-going in areas where social services have been provided, where planned or reactive maintenance work needs to occur and in areas where emergent safety concerns have been identified. This includes work in locations with vacated encampments and in situations with immediate danger to WSDOT crews, contracted staff, or the public.

Agency recommendations

Addressing homeless encampments on state-owned right of way must be a partnership and multi-agency response. WSDOT does not have the staff, resources, or expertise to combat the underlying causes of homelessness alone – nor is that appropriate for our maintenance personnel to do so. The agency also does not have a real-time census count of encampments and lacks the resources, staffing and training of the social service providers who can accomplish this task.

This work requires consistent funding in place for all partners – especially including increased and varied types of housing to meet all the needs of the people experiencing homelessness. There is also a recurring expense for ongoing monitoring of existing sites to ensure property is not damaged and sightlines remain appropriate to discourage re-encampment.

Providing funding directly to partners will ensure consistent work can be accomplished and therefore provide more information about outcomes and where efforts may be improved. That additional expertise is needed to help quantify the overall needs at every level (state government, local governments, social services, and community organizations) to achieve the proviso's objectives.

APPENDIX

ESHB 1125: Transportation Budget, WSDOT, Maintenance Program Sec. 216

- (4)(a) \$7,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.
- (b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:
- (i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;
 - (ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and
 - (iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.
- (5) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department’s property along state highways within the city limits. \$555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to \$445,000 of the city’s expenses for clean-up crews and landfill costs.
- (6) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (4) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous

material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

- (7) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department’s property along state highways within the city limits. \$570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city’s expenses for clean-up crews and landfill costs.
- (8) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the \$2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the

2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the \$2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the \$2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than \$2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose.

ESSB 5187, Operating Budget Commerce Sec. 128

- (132)(a) \$39,050,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.
- (b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant criteria must include, but are not limited to:
 - (i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific

- circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of landslides, or when the location of an individual poses a significant threat to the safety of others;
- (ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and
- (iii) Other criteria as identified by the department.
- (c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.
- (d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:
 - (i) The number of people living on the right-of-way whom the parties engage;
 - (ii) The demographics of those engaged;
 - (iii) The type and duration of engagement with individuals living on rights-of-way;
 - (iv) The types of housing options that were offered;
 - (v) The number of individuals who accepted offered housing;
 - (vi) The types of assistance provided to move individuals into offered housing;
 - (vii) Any services and benefits in which an individual was successfully enrolled; and
 - (vii) The housing outcomes of individuals who were placed into housing six months and one year after placement.
- (e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well matched to an individual's assessed needs.
- (f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of way to permanent housing.