

Rights-of-Way Safety Initiative



Report required under the 2022 supplemental operating budget (Sec. 128(132)(f), Chapter 297, Laws of 2022, ESSB 5693)

**RIGHTS-OF-WAY SAFETY
INITIATIVE**

October 2024

Report to the Legislature

Director Mike Fong

Acknowledgments

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Washington State Department of Commerce

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We give special recognition to the cities, counties and non-profit providers who collaborate with the Rights-of-Way Initiative team to implement and deliver the program.

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Executive summary

Authorizing statute

This report provides background, context and data about the Rights-of-Way Safety Initiative program to satisfy the reporting requirements in the [2022 supplemental operating budget, section 128 \(132\)\(f\)](#):

(a) \$45,050,000 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

(viii) 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.

This program was developed and implemented closely with the Washington State Department of Transportation (WSDOT) and the Washington State Patrol (WSP). Additionally, the legislation directed state

agencies to establish memoranda of understanding with local partners, both governmental and non-profit, based on program objectives and goals.

This report includes findings and statistics as of June 30, 2023. [Current program statistics are available online.](#)

Key findings

The Rights-of-Way Safety Initiative reinforced that we know how to bring people inside and refined the coordination and processes needed to be successful. It demonstrates that encampments can be resolved in a way that respects the dignity of encampment residents. However, it also faces challenges.

This initiative simultaneously addresses and supports key areas of the homelessness response system but puts additional strain on existing housing availability and outreach and service resources. It can be challenging to implement and maintain the program's focus to the extent that this initiative is seen to compete with or be out of alignment with, local jurisdictions' and service provider priorities.

This initiative was successful in several ways, particularly in the percentage of individuals who accepted housing and remain in housing, as shown below and in [Appendix A](#). However, even if every encampment on state-owned right-of-way were cleared, thousands of households would still experience homelessness in Washington.

Importance of funding types and levels

The type and level of funding made available by the Legislature and Commerce leadership were critical to the success of this effort. In particular, the funding to acquire capital assets was crucial in addressing homelessness from an encampment perspective, compared to the current coordinated entry process. There is typically no single option that can address an entire encampment of any size due to criminal history, domestic violence, and substance use disorders, and we know that it is critical to have many rooms available that people experiencing homelessness will accept. It is essential to have an initial intake facility to address the majority of encampment residents. Capital assets will continue to be a long-term resource for addressing homelessness across the state. Commerce continues to evaluate options and funding delivery and makes ongoing reallocations to support new opportunities when possible.

Capital and operating funding offered together will continue to be significant factors in successfully resolving encampments. This initiative demonstrated the ability to address homelessness differently than the current [coordinated entry model](#). Coordinated entry (individual perspective) and this initiative (encampment perspective) have benefits, and maintaining funding for this approach is critical for addressing homelessness across the state and beyond state rights-of-way.

Summary of housing outcomes from July 2022 to June 2023:

- Sites addressed: 30
- Residents as of By-Name List deadline: 1,313
- Residents who accepted housing: 821
- Residents placed in temporary housing or shelter: 751
- Residents placed in permanent supportive housing: 70
- Residents still in housing: 676

Program operation

Agency roles and responsibilities

Washington State Department of Commerce

The **Washington State Department of Commerce (Commerce)** contracts and coordinates with local jurisdictions and non-profits that deliver outreach, services, and shelter and housing solutions. Commerce also manages capital acquisition financing for property owned by nonprofit partners.

Washington State Department of Transportation

The **Washington State Department of Transportation (WSDOT)** works with local jurisdictions and non-profits to identify high-priority sites and establish an understanding of the boundaries of those sites. WSDOT provides maintenance, including trash removal, landscaping, site modifications, security, etc., to sites before and after the relocation of people living on state rights-of-way. WSDOT provides ongoing staff time to identify any repopulation of sites, coordinate with partners, and reinforce that the sites are closed. WSDOT continues to work on repairing any ongoing damage and/or cleaning resolved areas. This ongoing work is not resolved once the initial encampment is closed.

Washington State Patrol

The Washington State Patrol (WSP) partners with local law enforcement to support outreach workers as needed while they engage people living on priority sites. WSP also supports WSDOT staff as they clean sites that people have left. After encampments are cleared, WSP supports outreach workers to prevent people from re-occupying a site.

How the program resolves encampments

This encampment resolution model is time-intensive, as efforts are made to offer each resident housing options appropriate to their needs. The broadly defined steps taken are summarized below:

1. **Outreach:** To build trust, outreach workers frequently engage with residents. This includes connecting people to services and resources, including health care, food, clothing and other immediate needs.
2. **By-Name List:** Develop a "By-Name List" of residents and their individual housing needs so residents can be moved into housing as soon as it is available.
3. **Site stabilization:** Work with local jurisdictions and WSDOT to install temporary sanitation facilities, remove vegetation, install fencing, and, in certain situations, hire security. This may include working with local law enforcement and WSP on public safety issues.
4. **Connecting people to housing and shelter:** As housing and shelter opportunities that meet residents' needs become available, the By-Name List is used to move them into temporary shelter, transitional housing, permanent housing, and permanent supportive housing.
5. **Site restoration:** After the encampment residents are placed in housing, WSDOT crews and/or contractors remove trash, remove vegetation to improve visibility, install more fencing as needed, and place passive measures to prevent re-occupation of the sites. WSDOT also monitors and repairs cleared sites as needed – an ongoing need, even after the encampment is cleared.

Program funding

To provide additional housing solutions, services, and outreach support, Commerce directed an additional \$60 million of Rapid Capital Acquisition funding and \$36 million of Home Security Account funding to the Rights-of-Way Safety Initiative (ROW). WSDOT and WSP also work to support the initiative but do not have specific funding for their portion of the work. WSDOT must allocate overall encampment funding dollars for this work; WSP bills WSDOT out of those overall encampment dollars for its overtime charges supporting initiative work. Funding levels to support the full range of work that all three agencies perform to address encampments is necessary to continue ongoing encampment resolutions and, perhaps more importantly, maintain the areas that have been cleared of encampments. Maintaining cleared areas of rights-of-way requires a significant monitoring and engagement staff presence.

In June 2022, the Commerce released a request for proposals (RFP) to local governments within King, Pierce, Snohomish, Spokane, and Thurston counties. The RFP required each of these counties to submit a collaborative, multi-jurisdictional proposal. Table 1 outlines the funding allocated for this RFP, categorized by county.

Table 1: Initial funding allocation by county, July 2022 to June 2023

County	Total funding
King	\$46,927,584
Pierce	\$30,255,489
Snohomish	\$22,910,681
Spokane	\$24,304,192
Thurston	\$19,602,054
Total	\$144,000,000

Commerce received a response from every county except Snohomish County. After review and discussion, Commerce accepted the submitted proposals either in whole or in part. Staff gave priority to proposals or components of proposals that:

- **Delivered a mix of shelter and housing options** that could be available quickly and would likely result in people moving inside instead of relocating to another unsheltered location.
- Included **providers that had a proven record of serving the local homeless population** in their counties.

Commerce reallocated all but \$4 million of the funds originally designated for Snohomish County when Snohomish County and the City of Everett declined the opportunity to apply for funding. Commerce then initiated a new, open RFP for non-profit housing providers to address rights-of-way in Snohomish County. Table 2 shows the revised distribution of funding, which included a slight increase to the Snohomish allocation from \$4 million to just under \$6 million. The increase to \$6 million was because two providers responded to the Snohomish RFP, and, after review, Commerce accepted both proposals.

Table 2: First revised funding allocation, by county and fund source

County	Flexible Proviso	Rapid Capital Acquisition	Home Security Fund	Total
King	\$16,620,344	\$19,000,000	\$13,594,206	\$49,214,550
Spokane	\$8,607,817	\$6,500,000	\$10,322,000	\$25,429,817
Pierce	\$9,715,588	\$19,668,070	\$5,517,007	\$34,900,665
Thurston	\$5,803,333	\$14,831,930	\$7,168,070	\$27,803,333
Snohomish	\$4,000,000	Reallocated	Reallocated	\$4,000,000
Total	\$44,747,082	\$60,000,000	\$36,601,283	\$141,348,365

Table 3 shows the final revisions to the county-level allocation of funds to support all the accepted projects.

Table 3: Second revised funding allocation, by county and fund source

County	Flexible proviso	Rapid capital Acquisition	Home Security Fund	Total
King	\$16,620,344	\$19,000,000	\$13,594,206	\$49,214,550
Spokane	\$8,607,817	\$6,500,000	\$10,322,000	\$25,429,817
Pierce	\$9,715,588	\$19,668,070	\$5,517,007	\$34,900,665
Thurston	\$5,803,333	\$14,831,930	\$7,168,070	\$27,803,333
Snohomish	\$4,000,000	Reallocated	\$1,945,894	\$5,945,894
Total	\$44,747,082	\$60,000,000	\$38,547,177	\$143,294,259

Revisions to the funding allocations continue to maximize the options available to address the needs of those experiencing homelessness on state rights-of-way. Commerce will continue to collaborate with its partners to identify needs and refine program delivery.

Key findings

This has offered a variety of shelter and housing options and allowed enough time to engage individuals. As a result, most people (80%) living in an addressed rights-of-way encampment has moved indoors as of June 30, 2023. The initiative demonstrated that it is feasible to clear encampments while providing dignified living conditions. However, it also showed that even high-quality congregate shelters, which offer limited privacy, attracted only a small number of people, and even fewer remained in these shelters long-term.

What success looked like

Local jurisdictions, communities, non-profits, state partners, and advocates have a wide range of metrics of what constitutes success for a program addressing homelessness. Factors specific to this initiative include:

- Scope and scale of the encampment
- Needs of the people residing there
- Health and safety hazards present
- Damage to or improper use of public and private property
- Availability of local available temporary and permanent housing resources
- Quality of the collaborative homeless crisis response

Table 4: Summary of resident outcomes

Sites	# of residents as of by-name deadline	Accepted housing (Temp + Permanent Initial Housing Placements)	Temp/shelter	Permanent supportive housing	Still in housing
30	1,313	821	751	70	676

Perceived quality of housing options

One common measure of success is the subjective quality of the housing offered, as seen by the individuals and families living outside, unsheltered. That subjective quality has a significant impact on long-term temporary and permanent housing outcomes and the ability to have the offer of housing accepted. During the initial site engagement process, Commerce and its partners reported higher participation when the program or housing offered matched a prospective client with their preferred temporary or permanent housing type.

Outreach engagement builds trust with residents and improves outcomes

The ability to match available program and housing options to the people living on initiative sites was achieved with outreach engagement occurring over a matter of weeks to assess needs and build trust. That engagement strategy resulted in more than 80% of people moving inside when offered accessible non-congregate temporary housing or permanent supportive housing. This is in stark contrast with the much lower rates of success seen in typical encampment clearing efforts, which rely on brief outreach and, often, offers of congregate shelter beds that people won't move into.

Non-congregate shelter is more successful than congregate shelter

While a spectrum of temporary and permanent housing interventions are necessary to address the immediate impacts to state rights-of-way, Commerce and its partners have seen the least success placing those experiencing homelessness in congregate shelters,¹ which are usually large facilities with little to no privacy. As a short-term emergency option, congregate shelter has a significant role in addressing housing stability. However, when used as a long-term housing option, perhaps due to limited alternatives in that locality, many individuals experiencing homelessness simply choose to remain outside or leave the shelter within days or weeks of entering it.

Other elements of success:

- **Creating a site list of people's names** ("by-name list"), using a good faith effort to identify people living at the site for at least a week, balanced with closing the list as soon as is practical to prevent new migration.
- **Use clear communication and signage** to prevent a sudden expansion of the site by people seeking housing, by stating the by-name list is closed and people will have to leave when the site closes.
- **Prioritize at-risk individuals (parents with young children, the elderly, or those with significant hardships)** for immediate housing before site resolution, when possible.
- **Assistance moving possessions** that can be accommodated in the shelter or housing offered, and assistance over at least a week to clean up and dispose of possessions that cannot be moved.
- **Skilled outreach workers lead engagement** and handle all interactions in almost all cases.
- **Availability of commissioned law enforcement officers** who can promptly respond to rare emergent situations as identified by outreach staff, and who are available to provide security for workers cleaning and modifying a site once it is closed.
- **Use maintained fencing and other barriers as appropriate** for each site to clearly communicate the area is not a public place. This includes ongoing work, and funding, to repair fencing and other modifications that experience continued damage after a site is closed.
- **At least weekly monitoring of sites** that have been closed, and a plan to promptly engage people who show up on the site, clearly communicating that they cannot remain on the site.

When measured against similar efforts around the nation, including the well-known encampment remediation work in Houston, Texas, the outcomes our initiative has achieved represent a tremendous success.

¹ Congregate Shelter - a place where many people are housed together in a large space, typically with bunk beds or cots with limited if any walls or partitions to separate space.

There is more to do and learn going forward, including:

- **Where do the almost 20% of people who do not take the offers of housing go**, and how can we ensure they, too, move inside?
- **What is the appropriate mix of permanent destinations for people moving into temporary housing?** Many existing Permanent Supportive Housing operators report that some of the people we are serving are too high acuity to be successful in their housing. What combination of more intensive services in PSH and new facility types are needed?
- **How do we expand behavioral health services to proactively engage people to prevent encampments?** Many people living on state rights-of-way are eligible for behavioral health services; will earlier outreach lead to prevention?
- **Expanding the program to other counties:** This initial work focused on five counties, but homelessness is an issue across the state and determining how to replicate and fund this work in those locations is a long-term need.

Barriers and challenges

Even when flexible funding is available, it is difficult to quickly set up new housing and services in a local or regional system that is already overburdened. Although some additional temporary and permanent housing opened promptly after awarded funds, most took at least a year from funding to the date of occupancy.

Barriers to prompt opening:

- **Opposition from local governments** to leasing or purchasing existing hotels and apartments to house people. The vast differences in each community indicate a need for creating a clear and prompt process that ensures responsive siting fairly throughout the state.
- **Existing housing development and service providers are already understaffed**, leaving them unable to take on additional responsibilities. Solutions include adequate pay, necessary training, and support for staff working in traumatizing environments.
- **Limited WSP staff and WSDOT funding used to support outreach and cleanup work because of limited support from local law enforcement.** Although direct engagement by law enforcement is rarely necessary, it is critical that outreach workers can rely on law enforcement to respond to requests for assistance addressing critical situations. Clarifying the division of responsibilities between state and local law enforcement is needed, and ensuring adequate law enforcement availability is supported.
- **Setting realistic expectations regarding how long it takes to set up new housing and services.** New capacity can be promptly opened at the margins, but at least a year is needed, in most cases, for almost any new capacity procured from the public or private sector.
- **Many existing Permanent Supportive Housing operators report that they cannot successfully house some of the people living outside who have significant behavioral health needs.** Although existing PSH models can successfully house most people living outside, some people need PSH with more intensive services or other facility types. Identifying the types and proportions of additional options needed is a critical next step.

Additional challenges:

- **Homeless services and housing providers report being overwhelmed by the depth and breadth of the need for emergency and permanent housing.** There are extremely limited existing housing and bed options to dedicate to the State Rights-of-Way Initiative. This priority also experiences local resistance, where coordinated entry systems have a significant wait list.
- **Local political processes and philosophies that differ from the state initiative.**
- **Lack of housing and behavioral health resources** for individuals with high acuity needs.
- **Lack of housing options to reasonably segregate individuals with violent and/or sexual offense histories** from other populations, particularly women and children.
- **Lack of facilities for youth and young adults**, particularly minors who are pregnant.
- **Lack of housing across income levels**, pushing more affordable housing options out of reach for those at the lowest income levels.
- **Staffing and resource challenges** that reduce the number and types of services that are available locally.
- **Staffing and resource challenges within other agencies** (WSDOT and WSP) not directly or fully funded in the proviso for their roles in this process, while facing other encampment needs and costs in jurisdictions and regions not covered by the program.
- **RVs on streets, lots and rest areas**, which present different challenges than the street and/or lot parking.

Recommendations

There are diverse challenges to housing people experiencing homelessness. No single solution exists to address every barrier to housing stability. Although the Rights-of-Way Safety Initiative focuses on a very specific portion of public land, the population residing on these rights-of-way present many of the same challenges that the overall homeless population presents. These recommendations focus on achieving the legislated goals of the Rights-of-Way Safety Initiative, and may not represent a widely applicable approach to the urgent issue of homelessness in general.

Operating funding

Additional operating funding investment from the Legislature will be necessary to maintain the levels of success in the five initial participating counties supporting state agencies, local governments, and non-profit providers. In addition, more operating funding will be needed for Commerce to expand the Initiative into additional counties. Likewise, WSDOT and WSP will need additional funding to be able to continue their roles in the Initiative.

Capital funding

Further capital investment to acquire additional housing options will be needed if the Legislature wants the Initiative to expand. Currently, there is inadequate capacity to house people experiencing homelessness on state rights-of-way. During the Initiative's first year, the lack of housing solutions was the most significant hurdle to relocating households experiencing homelessness on state rights-of-way.

Flexible funding

Flexibility in funding authorization would be helpful to address encampments located on property abutting local jurisdictional land. Commerce and its partners have faced challenges closing an encampment and preventing its relocation to a neighboring parcel, or its later re-establishment.

Appendix A: Site statuses and data as of June 30, 2023

Site	County	Status	# of residents as of by-name deadline	Accepted housing	Temporary shelter	Permanent supportive housing	Still in housing
SR-520	King	Closed	5	5	5	0	5
Olive Way	King	Closed	10	10	10	0	9
Dearborn	King	Closed	64	57	55	2	48
Northgate	King	Closed	27	24	21	3	19
Eastlake	King	Closed	7	6	6	0	5
South Park*	King	Closed	33	30	20	10	30
Pasadena Ave (I-5 North at Ship Canal)	King	Closed	14	14	14	0	14
CID*	King	Closed	167	146	142	4	124
Myers Way	King	Active	TBD	0	0	0	0
McDougall Avenue	Snohomish	Closed	13	13	3	10	10
112th Street	Snohomish	Closed	9	9	4	5	7
Smokey Point Rest Area	Snohomish	Active	126	60	60	0	59
Silverlake Trail	Snohomish	Closed	26	25	20	5	19
Everett Ave I-5 Overpass	Snohomish	Closed	2	2	2	0	2
19th Ave WinCo	Snohomish	Closed	6	5	4	1	5
I-5 S & SR 104	Snohomish	Closed	1	1	1	0	1
164th South on-ramp to I-5	Snohomish	Closed	5	2	2	0	2
Swamp Creek	Snohomish	Active	31	25	25	0	25
Lilly Road	Thurston	Closed	3	1	1	0	0
Pacific Avenue	Thurston	Active	16	4	4	0	1
City Center	Thurston	Active	36	13	13	0	8
Wheeler Avenue	Thurston	Active	54	24	24	0	16
Sleater Kinney Road	Thurston	Active	TBD	18	18	0	18
Camp Hope	Spokane	Closed	467	184	157	27	154
84th & Hosmer	Pierce	Closed	78	46	46	0	20
Bay Street	Pierce	Active	46	35	32	3	21
74th & Tacoma Mall Blvd	Pierce	Closed	39	37	37	0	29
Bridgeport	Pierce	Closed	5	5	5	0	5
SR-7 & 38th	Pierce	Closed	21	18	18	0	18
Off-site (Hwy 16 Park & Ride)	Pierce	Closed	2	2	2	0	2
Total		30	1,313	821	751	70	676

*These sites may include funding and housing from other partners due to the right of way being multi-jurisdictional.