

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 2022 Supplemental Transportation Budget, ESSB 5689, Section 216 (9), regarding Public Health Associated with Homeless Encampments on state-owned rights of way. 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 rehome these individuals and get them the resources they need to live successfully inside. 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-direct proviso work and funding is separate – though similar – to the work done under the state Right of Way Safety Initiative proviso which provided funding to the Department of Commerce and created partnerships with WSDOT, Washington State Patrol and local service providers (see section below for synopsis of Right of Way Safety Initiative work). However, some of the WSDOT-specific funding is at times used in the Right of Way Safety Initiative 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 often looks like 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. However, enforcement strategies are not the primary answer to preventing people from re-encampment over time. 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.

Notable examples of cleanups by WSDOT maintenance crews:



(Before image): Under the SR 705 and I-5 interchange in Tacoma. This work was coordinated by WSDOT maintenance staff and performed by a contractor on Jan. 23, 2023.



(After image): Under the SR 705 and I-5 interchange in Tacoma. This work was coordinated by WSDOT maintenance staff and performed by a contractor on Jan. 23, 2023.



(Before image): On Scott Pierson Trail, alongside SR 16 in Tacoma. Work was performed by WSDOT maintenance staff and Department of Corrections on Jan. 19, 2023.



(After image): On Scott Pierson Trail, alongside SR 16 in Tacoma. Work was performed by WSDOT maintenance staff and Department of Corrections on Jan. 19, 2023.

In 2022 alone, over 1,400 tons of trash was removed from along state highways by WSDOT maintenance crews, partners (such as the Department of Ecology) and volunteers – that’s roughly the weight of six blue whales. Approximately 466 tons of trash came from areas at, or near, places where people experiencing homelessness were located (this figure does not capture trash collected in large-scale clearing and closing of specific sites). Annually, WSDOT spends \$6.6 million on litter and trash removal statewide along with partnering on the Department of Ecology’s Secure Your Load and anti-litter messaging.



(Before image): Interstate 90 near milepost 2 in Seattle. This work was coordinated by WSDOT maintenance staff and performed by a contractor on Dec. 9, 2022.



(After image): Interstate 90 near milepost 2 in Seattle. This work was coordinated by WSDOT maintenance staff and performed by a contractor on Dec. 9, 2022.

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 2022](#) which includes full fiscal year trend data. As fiscal year 2023 is not complete, we will be sharing a summary as of April 2023. Though the proviso language requests a detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported, WSDOT (and partners) do not have the ability to provide this type of detailed information.

Throughout the 2021-23 biennia, the WSDOT Maintenance Program was appropriated 4 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 projects, that are not represented in this report.

Appropriation Name	Amount	Expended as of April 2023
City of Seattle*	1,025,000	961,777
City of Tacoma*	1,015,000	778,944
Statewide Public Health	3,000,000	1,933,015
Waste Tire Account	5,000,000	3,956,297
	10,040,000	7,630,033

* Separate proviso but similar scope of work

Of the \$3 million statewide public health funding listed above as Statewide Public Health, 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 \$108,000 in reimbursements to date
- Douglas County with \$171,000 in reimbursements 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, 2023.

State Right of Way Safety Initiative

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 Right of Way Safety Initiative includes a partnership between Commerce, WSDOT, WSP and many local governments and/or service providers. It is initially focused on five counties: King, Pierce, Thurston, Snohomish and Spokane.

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.

As of March 31, 2023, work has taken place or begun on 23 locations under the Right of Way Safety Initiative, with 16 sites closed. Statewide, 688 people at these sites have accepted housing offers; of that total of 623 – 90.5 percent – remain housed as of March 31.

Washington State Counties



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 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.

Providing funding directly to partners will ensure consistence 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

ESSB 5689: Supplemental Transportation Budget, WSDOT, Maintenance Program Sec. 216

- (9) (a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned right 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 right of way to help prevent future encampments from forming on highway right 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 right of way. A minimum of \$2,000,000 of this appropriation must be used to provide 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 ((participating as part of a state or local government agreement to provide)) 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, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:
- (i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;
 - (ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;
 - (iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and
 - (iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.
- (10) (a) \$2,000,000 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.
- (b) The city must coordinate and work with the department and local governments 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. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

- (c) The department may 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.
- (d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.
- (e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

ESSB 5693, Supplemental Operating Budget Commerce Sec. 128

- (132) (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.