



**Washington State
Department of Transportation**

Public Health Associated with Homeless Encampments on Department owned rights of way

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21-11-0279

The following report provides the department's response to the proviso found in the 2021 Transportation Budget, SSB 5165, Section 215 (9), regarding Public Health Association with Homeless Encampments on department owned rights of way.

WSDOT's mission is to provide safe, reliable and cost-effective transportation options to improve communities and economic vitality for people and businesses. While the agency has been tasked with addressing some of the more visible consequences of our state's affordable housing crisis and the resulting homeless encampments, WSDOT is not equipped to resolve the underlying causes of homelessness. As such, our approach to encampments recognizes that WSDOT is but one leg of the stool of services that must be provided to successfully rehome these individuals. The other legs include local agency coordination, social services, and security. Housing, social services including but not limited to healthcare, substance abuse treatment and mental health services are also required for this approach to be successful. Only after the services are provided to unsheltered individuals will WSDOT be able to enter the sites – with security accompaniment – and conduct clean-up of the site.

We appreciate section (a) of the proviso, which asks the department to coordinate with local governments and social service organizations who provide outreach services to find alternative housing and/or treatment options. The proviso also provides resources to be used for debris cleanup along with law enforcement to provide safe and secure transitions during the outreach and cleanup efforts. Given ongoing efforts in Seattle and Tacoma, we believe the goals outlined in this approach could reasonably be expanded to other jurisdictions working to address the challenge of individuals experiencing homelessness on state-owned right of way. To this end, and given the available budget of \$3 million, we are initially working with organizations in specific project locations. Based on interest, and available funding, we would then seek other organizations and jurisdictions who may be interested in working with the department using this partnership approach.

SUMMARY OVERVIEWS:

Vancouver – The city and local partners have been engaging well and an agreement is currently being drafted. As of the date of this report, there is no estimated dollar amount or timeframe for the completed agreement.

Douglas County/City of Wenatchee – The city, county and local partners have been engaging well and an agreement is currently being drafted. As of the date of this report, the estimated dollar amount is \$400,000 and we expect a completed agreement before the end of the year.

Lacey – WSDOT has completed a draft agreement with the city that includes community outreach and enforcement with a placeholder estimate of \$250,000. The draft is currently under review with the city's legal staff and a finalized agreement is expected by the end of November.

Olympia – An agreement is currently being drafted for the Wheeler Street location that includes contracting work through the city for capital improvements/mitigation and solid waste disposal. The city has stated it does not have law enforcement available to them to assign to this particular partnership and there is currently no short term housing available. The current estimate for this site is \$200,000.

Spokane – The city is very interested in a partnership. While progress has been slowed due to their internal hiring and restructuring related to code enforcement, we are anticipating movement before the end of the year. There is currently no estimated dollar amount at this time.

As we continue on this path, it is important to note some of the challenges we and our partners face:

- During the pandemic, resources and crews have been stretched more thin and in some cases health officials recommended against removing encampments that don't pose immediate safety concerns in order to avoid dispersing people living there to multiple locations, which would hinder contact tracing if there were any COVID exposures.
- The availability of social services and housing is a necessity to achieving progress but has been an obstacle for some locations. Thurston County, for instance, currently has a 2-3% vacancy rate and is at capacity for mitigation sites. Even when shelter spots are available there are additional barriers to gaining access, such as dependency issues.
- Given recent law enforcement reform and the potential impact of the vaccine mandate, on top of existing staffing challenges, the ability to have the needed security for WSDOT staff has been a large and challenging factor in the process.
- For the last 2 years, the Department of Enterprise Services has been working towards a statewide master contract for homeless encampment cleanup services. This contract would be available to Washington state agencies as well as other eligible purchasers (including cities/counties) that are impacted by encampments. Unfortunately, the bid process has been delayed due to COVID and amendments to include the vaccine mandate. Currently there is no estimated timeframe for when it will be available for use.

RIGHT OF WAY DATA

While WSDOT considers collecting data a vital part of our work, the specific reporting elements and the reporting timelines established in section 9(b) are not feasible and will draw the department's attention and resources away from the coordination effort of social services and site cleanup.

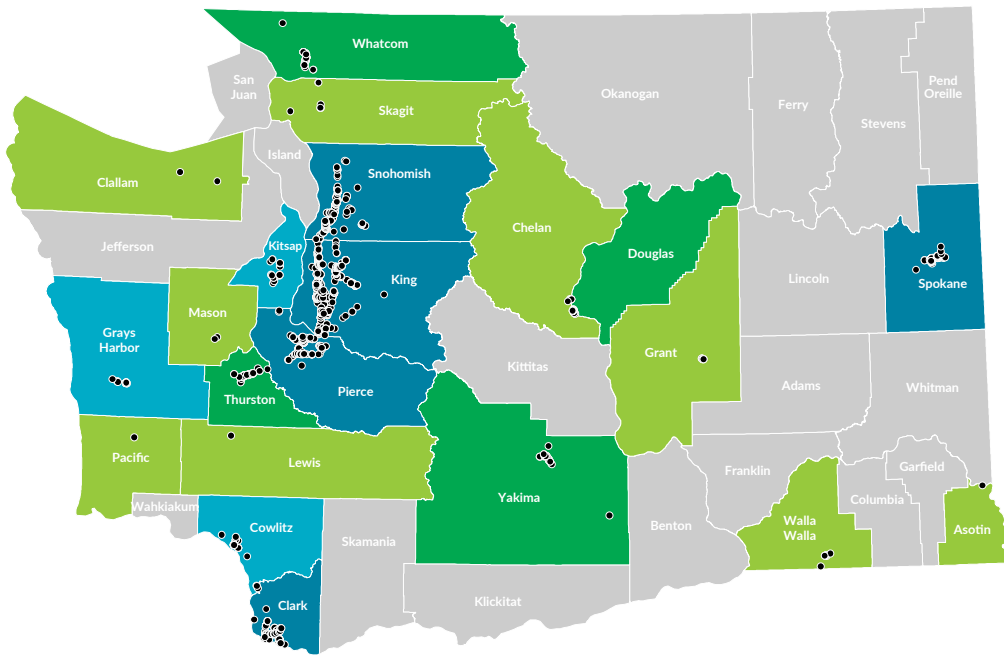
Safety is WSDOT's top priority: the safety of the traveling public, our employees and those experiencing homelessness. WSDOT began documenting the locations of observed encampments in the Maintenance Operations database (HATS) in 2015. These locations were documented during the normal course of maintenance activities, such as inspections or repairs of infrastructure located near the encampments or when reported by constituents. They were not undertaken nor intended as a comprehensive survey or census count, and such work would be outside the scope of current Maintenance Operations activities.

Existing data only includes locations on WSDOT right of way, where evidence of a site or cleanup effort has taken place. WSDOT is not able to do a point in time count, nor do we have much detailed information of size, risk level or emergency hazards posed by each encampment. Often, conditions within a homeless encampment can pose safety risk for our workers, including people experiencing mental health issues, health hazards (including rotting garbage, human waste, biohazardous materials, discarded needles), and stolen or discarded property, which is why WSDOT staff needs the support and coordination with local law enforcement when entering or working in these locations.

While the majority of our inventoried locations are encampments on WSDOT right of way, it is important to note that highway Safety Rest Areas and Park and Ride lots are also seeing a dramatic increase in individuals experiencing homelessness utilizing these areas as long-term living spaces. Given the recent Washington State Supreme Court ruling determining that vehicles individuals use to live in are considered homesteads, there is an additional challenge to enforcement of the time limit rules in place at these locations.

Data currently available to WSDOT staff includes inventoried encampment locations, records of cleanup activities performed at these locations, monitoring observations of these locations and posting notifications to vacate.

Map of statewide encampment sites on WSDOT property (September 2021)



County with the largest amount of homeless encampment sites:
King County

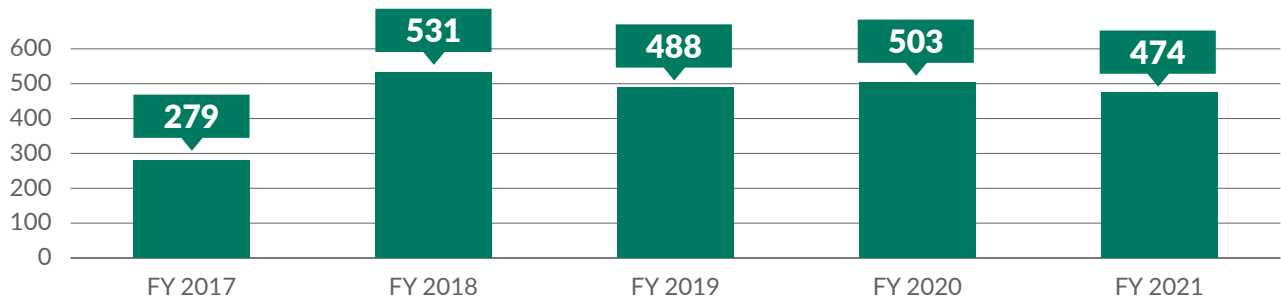
- Top five counties with the most encampment sites:
1. King (871 sites)
 2. Snohomish (251 sites)
 3. Clark (195 sites)
 4. Pierce (175 sites)
 5. Spokane (102 sites)

Number of homeless campsites per county



* Data reflects encampment sites documented on WSDOT right of way from 2015 to September 2021

Cleanup activities on WSDOT right of way

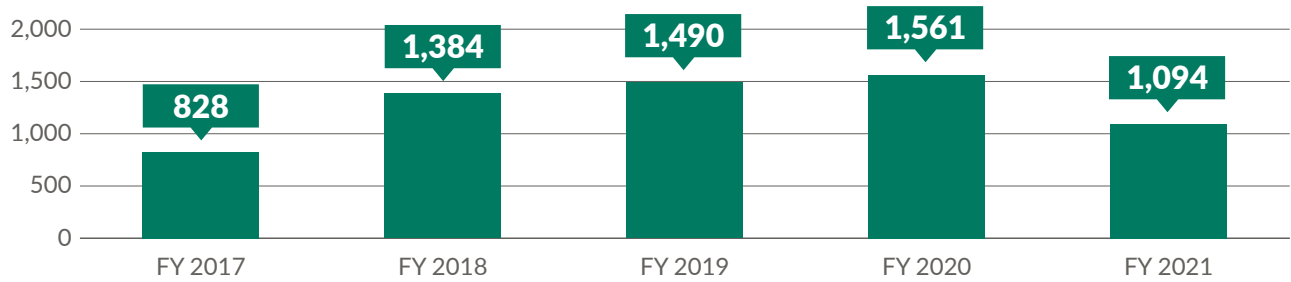


* Number of individual cleanups that have occurred each fiscal year at an inventoried encampment location, some years include multiple cleanups at the same location.

Cleanup activity recorded statistics on WSDOT right of way

Fiscal Year	Cleanup Activities	Inventoried Encampment Locations	Locations with Hypodermic Needles Present	Locations with Human Waste and/or Biohazards Present	Hostile Encounters with WSDOT Staff During Cleanup
2017	279	214	179	178	19
2018	531	371	375	390	20
2019	488	337	374	357	20
2020	503	350	403	366	19
2021	474	287	314	308	22

Monitoring activities on WSDOT right of way

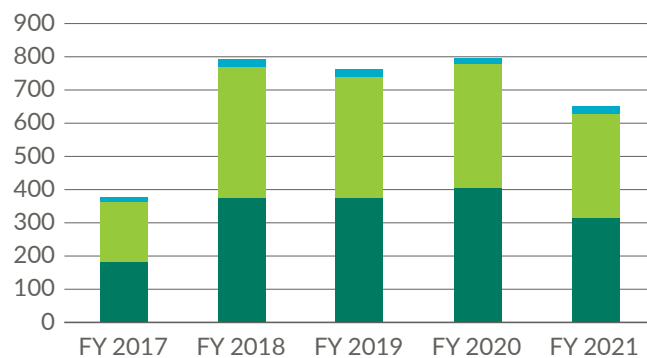


* Number of individual recorded monitoring observations that have occurred at an inventoried encampment location, includes multiple observations at the same location.

Monitoring observations on WSDOT right of way

Fiscal Year	Monitoring Observations	Inventoried Encampment Locations	Occupied at the Time of Observation	Hostile Encounters with WSDOT Staff During Observation
2017	828	182	138	10
2018	1384	259	266	9
2019	1490	322	371	14
2020	1561	410	401	9
2021	1094	329	318	1

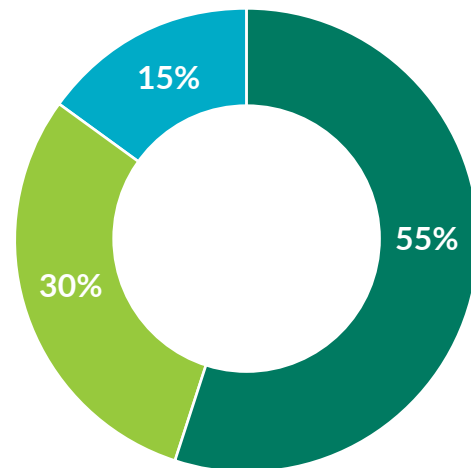
Safety related risks to WSDOT staff



- Hypodermic Needles Present
- Human Waste and/or Biohazards Present
- Hostile Encounters involving WSDOT staff

* Safety risks to WSDOT staff during encampment cleanup duties only

Classification of observed dwelling on WSDOT right of way



- Multiple Long-term Dwellings
- Occasional Overnight Use
- Single Long-term Dwellings

Occasional overnight use:



Single long-term dwelling:



Multiple long-term dwellings:



Vacate notification posting statistics on WSDOT right of way

Fiscal Year	Posted Activities	Inventoried Encampment Locations	Hostile Encounters with WSDOT Staff During Posting
2017	191	144	8
2018	262	192	12
2019	279	202	38
2020	172	127	9
2021	139	119	3

* Number of individual posting notifications to vacate that have occurred in an inventoried encampment location, includes multiple notifications at the same location.

PLANNED ACTIVITIES:

Outside of the existing proviso funding, for the communities listed above as well as for Seattle and Tacoma, WSDOT cleanup activities will continue statewide in areas where planned or reactive maintenance needs to occur, in locations with vacated encampments and in situations with immediate danger. Due to the quantity of maintenance priority work items and our capacity to respond to all the needs, we plan to move to a more contracted workforce for cleanup activities. WSDOT Maintenance staff will continue to document the above noted data points during their normal course of maintenance activities.

RECOMMENDATIONS:

The underlying causes of people experiencing homelessness are vast and complicated. While WSDOT is dedicated to engaging in cleanup activities and preventative measures, we have learned from our partners that the “success” rate in working with the unsheltered is approximately 20% of those offered the housing and services will not re-enter the unsheltered population, meaning about 80% will be unsheltered once again. In order to be successful, it is imperative that our partners have funding for and access to housing, security and social services including, but not limited to, healthcare, substance abuse treatment and mental health services. Only after the services are in place and the needs of the unsheltered are met, will WSDOT be able to successfully accomplish our goals.

APPENDIX

SSB 5165 SEC 215:

- 9)(a) \$3,000,000 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 that is not on the rights-of-way or for debris clean up on highway rights-of-way. 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. 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 enhanced safety related activities along state highway rights-of-way.
- (b) Beginning October 1, 2021, 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.