

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

---

**Roger Millar**  
SECRETARY OF TRANSPORTATION

**Pasco Bakotich**  
DIRECTOR, MAINTENANCE OPERATIONS

---

**November 2022**

---

**Title VI Notice to Public:** It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at (360) 705-7090.

**Americans with Disabilities Act (ADA) Information:** This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

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 Association with Homeless Encampments on state-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 homelessness crisis and the resulting encampments, WSDOT is not equipped to resolve the underlying causes of homelessness alone. The agency’s approach recognizes that WSDOT 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. The other legs include local agency coordination, social services and security. Housing, 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 property.

## WSDOT PROVISIO FUNDING REPORT

The agency’s [first report](#) outlined the approach to deliver on this proviso. Now this report provides an update on progress made between October 2021 and October 2022. *(This report is not focused on the separate state Right of Way Safety Initiative work, which is funded through Commerce. A brief synopsis of that work is included below for informational purposes, but Commerce is the reporting agency on those funds).* As of October 2022, WSDOT has fully committed the initial \$3 million provided in the 2021 Transportation Budget. Agreements have been finalized with the cities of Vancouver, Wenatchee, Lacey and Olympia as well as with Douglas County.

The city of Spokane has not completed necessary steps for an agreement with WSDOT using this proviso funding for sites within the city. *(Work to resolve Camp Hope in Spokane, the state’s largest single encampment site, is ongoing through the separate state Right of Way Safety Initiative and involves several local partners and three state agencies – more below).*

### Statewide Homeless Cleanup Expenditures



During the 2022 legislative session, an additional \$5 million was appropriated for this work, with \$2 million directed solely at litter and debris cleanup. The combined efforts of the WSDOT Maintenance crews, the Department of Ecology, the Department of Corrections and Adopt-A-Highway volunteers on litter cleanup on our highways continues to yield big results. Between January and August, crews have cleaned up 1,063 tons of litter. This is enough trash to fill Lumen Field to a depth of 15 feet. In addition to the litter effort, WSDOT was able to commit \$400,000 of this additional funding to our coordinated partnership with Washington State Patrol.

## HIGHLIGHTS AND CHALLENGES

- WSDOT is utilizing the Department of Enterprise Services statewide master contract for homeless encampment cleanups. This is a useful tool to ensure timely and safe cleanings before site restoration work by WSDOT maintenance crews can begin. The contract is now available to Washington state agencies and other eligible purchasers (including cities/counties) that may be affected by individuals living homeless on or near properties.
- While encampment work in the city of Seattle is funded through a separate budget proviso, it is difficult to make the kind of progress the city would prefer given the sheer volume of encampments on WSDOT owned property within the city.
- WSDOT encampment location data is not a person count, and due to the transitory nature of the encampments, is not an exact way to quantify those experiencing homelessness or success of finding permanent housing.

### Safety Rest Areas

- Safety rest areas serve an important purpose in the state's transportation system and are intended for short-term visits by the traveling public and freight haulers. Vehicles parking at the safety rest area for longer than the legally posted limits have led to ongoing safety and public health issues at the safety rest areas.
  - Safety rest areas located in urban communities, especially along the I-5 corridor, tend to experience the highest levels of homelessness. WSDOT is evaluating long-term solutions to address facility design, safety and operational solutions as part of a statewide safety rest area strategic plan that is currently underway. Successful solutions will be streamlined across the state. The plan is expected to be released in spring 2023 and shared with stakeholders and the public.
  - Some individuals have stayed long-term at our safety rest areas and need assistance. Work is underway with state and local partners to connect these individuals with support services and housing alternatives. In addition to sharing resources with people who may need them, crews have closed RV parking at the Smokey Point and Gee Creek rest areas until further notice to prevent people in RVs staying there weeks or even months.
  - The agency made significant investments to improve signage at our I-5/Smokey Point locations near Marysville to remind travelers that general parking is limited to 8 hours in a 24-hour period. Commercial vehicle parking is limited to 11 hours. We have also, where appropriate, replaced damaged fencing, removed litter, cleaned up graffiti and repaired damaged pavement where RVs have parked long term.

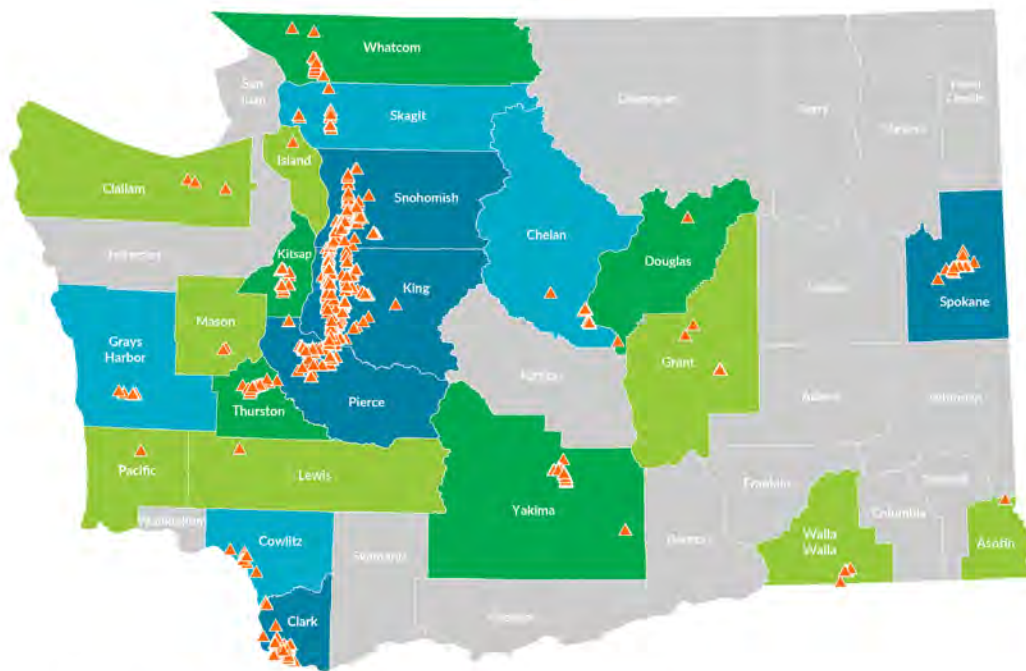
## RIGHT OF WAY ENCAMPMENT DATA

The encampment locations shown in the state map below were documented during the normal course of maintenance activities over the past seven years, such as inspections or repairs to infrastructure located near the encampments or when reported by constituents. They were not undertaken nor intended as a comprehensive survey or census count, and are outside the general scope of work for WSDOT maintenance activities statewide.

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.

## Reported Encampments in WSDOT Rights of Way

2,121 encampments documented statewide as of Sept. 2022.



**Top 5 counties with the most encampment sites as of September 2022:**

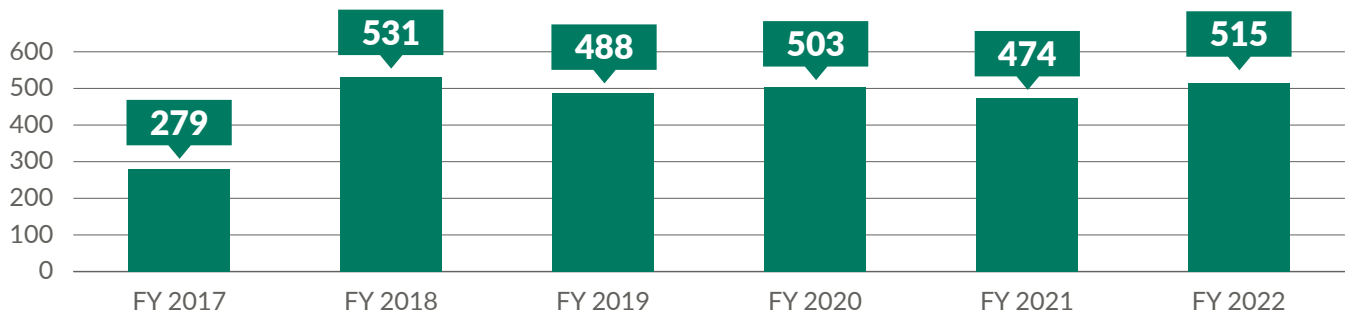
1. King – 922 sites
2. Snohomish – 281 sites
3. Pierce – 215 sites
4. Clark – 205 sites
5. Spokane – 112 sites

Count of Homeless Encampments



\* Data reflects encampment sites documented on WSDOT right of way from 2015 to September 2022.

## Cleanup activities on WSDOT right of way

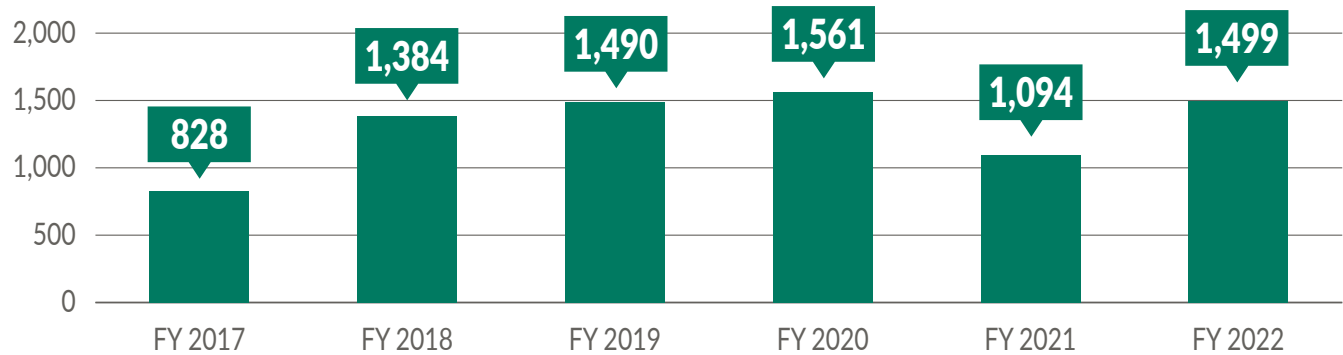


\* Number of individual cleanups that have occurred each fiscal year at an inventoried encampment location, some years include multiple cleanups at the same location.

## 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
2022	515	216	375	339	16

### Monitoring activities on WSDOT right of way

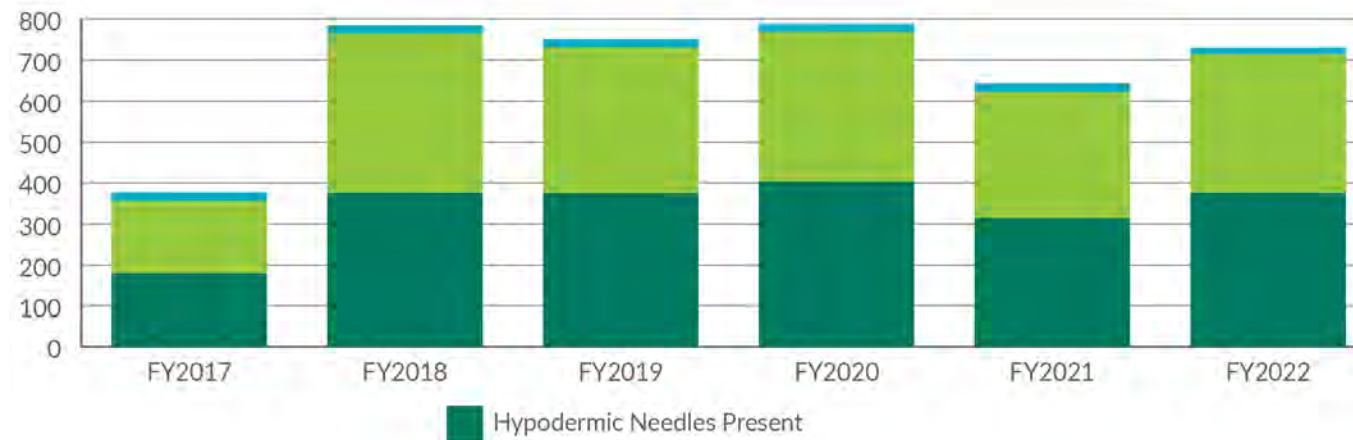


\* Monitoring activities are the number of individual documented observations by WSDOT staff that have occurred at an inventoried encampment location. This data includes multiple observations at the same location.

### 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
2022	1499	238	556	12

### Safety related risks to WSDOT staff



\* Safety risks to WSDOT staff during encampment cleanup duties only

## SAFETY, PARTNERSHIP AND ROLES:

Our efforts are very much a partnership between state agencies as well as local partners and that is vital because there are several steps that need to happen to clear an encampment and help people find shelter or housing. Those steps and the agencies who work on them are:

1. Identify and offer shelter and services to people living at a site (local jurisdiction & service/outreach providers)
2. Provide secure storage of their belongings (local jurisdiction & service/outreach providers)
3. Ensure safety and security for people on site and work crews (local law enforcement & WSP)
4. Restore and clean up the property (WSDOT)

Without this type of outreach, clearing an encampment merely displaces people to some other area of the community. Forcing people to move to another site is a quick, temporary action that is neither sustainable nor humane.

This work involves strong partnerships with local government and a wide swath of non-profit groups that can do that critical outreach work. This work starts long before a site is posted with a deadline for people to leave the site. This type of work takes time, but it also allows us to make meaningful progress and put people on the path of long-term, permanent housing.

## **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. 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 work needs to occur. This includes work in locations with vacated encampments and in situations with immediate danger to WSDOT crews and contracted staff.

## **RECOMMENDATIONS:**

This 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.

This work requires consistent funding in place for all partners.

Funding partners directly will create more data points and assist in quantifying the overall needs at every level to achieve the initiative's objectives.

## **RIGHT OF WAY SAFETY INITIATIVE (*separate funding source*)**

*(Provided as informational only to avoid confusion between the two proviso efforts)*

This spring work began on the state's Right of Way Safety Initiative, a new partnership of state and local partners to find solutions for people living homeless on state highway rights of way.

This initiative is led by three state agencies – the state departments of Commerce and Transportation and the Washington State Patrol. It's a result of funding and direction from Gov. Jay Inslee and the Legislature. The significant housing funding provided by the Legislature in this separate proviso allows for new approaches and opportunities to augment city resources to provide shelter and housing solutions – and requires that housing be offered to people on a site before it is cleared. Commerce has \$143 million for a variety of services and types of housing, including \$45 million from the initial legislative proviso.

The work has started in five counties: King, Pierce, Thurston, Snohomish and Spokane. Initial efforts are centered along some of our largest interstate corridors, but the ultimate goal is to expand these efforts as more funding and resources allow.



## Washington State Counties



## 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 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 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.