

7-2013

Relocation of Homeless People from ODOT Rights-of-Way

Ellen M. Bassett
Portland State University

Andrée Tremoulet
Portland State University, andree@commonworksconsulting.com

Allison Moe
Portland State University

Follow this and additional works at: https://pdxscholar.library.pdx.edu/trec_reports



Part of the [Social Welfare Commons](#), [Transportation Commons](#), [Urban Studies Commons](#), and the [Urban Studies and Planning Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Bassett, Ellen, Andree Tremoulet, and Allison Moe. Relocation of Homeless People from ODOT Rights-of-Way. No. OTREC-RR-12-14. Portland, OR: Transportation Research and Education Center (TREC), 2013. <https://doi.org/10.15760/trec.67>

This Report is brought to you for free and open access. It has been accepted for inclusion in TREC Final Reports by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: pdxscholar@pdx.edu.



OREGON
TRANSPORTATION
RESEARCH AND
EDUCATION CONSORTIUM

Relocation of Homeless People from ODOT Rights-of-Way

OTREC-RR-12-14
July 2013

RELOCATION OF HOMELESS PEOPLE FROM ODOT RIGHTS-OF-WAY

Final Report

OTREC-RR-12-14

by

Ellen Bassett, Ph.D.
Andrée Tremoulet, Ph.D.
Allison Moe, MURP
Portland State University

for

Oregon Transportation Research
and Education Consortium (OTREC)
P.O. Box 751
Portland, OR 97207



OTREC
OREGON TRANSPORTATION RESEARCH
AND EDUCATION CONSORTIUM

July 2013

Technical Report Documentation Page

1. Report No. OTREC-RR-12-14	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Relocation of Homeless People from ODOT Rights-of-Way		5. Report Date July 2013	
		6. Performing Organization Code	
7. Author(s) Ellen Bassett, Ph.D., Andrée Tremoulet, Ph.D., Allison Moe, MURP Portland State University		8. Performing Organization Report No.	
9. Performing Organization Name and Address Ellen Bassett, Ph.D. School of Urban Studies and Planning Portland State University P.O. Box 751 Portland, OR 97207-0751		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. 2012-477	
12. Sponsoring Agency Name and Address Oregon Transportation Research and Education Consortium (OTREC) P.O. Box 751 Portland, Oregon 97207		13. Type of Report and Period Covered Final Report, 10/2011-9/2012	
		14. Sponsoring Agency Code	
15. Supplementary Notes Additional support for this research was provided by the Oregon Department of Transportation.			
16. Abstract This research project consists of an investigation of responses to homeless encampments on rights-of-way owned by Departments of Transportation (DOTs). While DOTs are not housing or social service agencies, their role as major public landowners involves them in dealing with the consequences of homelessness. The research goals included analyzing the prevalence of the problem, documenting how DOTs are responding, and culling from this data information that could be used as a basis for creating a best practices guide. The research included a single mixed-methods, in-depth case study, electronic surveys of practitioners and follow-up interviews. Products consist of two reports (included as appendices to this document): <i>A Case Study of the Baldock Rest Area</i> and <i>Homeless Encampments on Public Right-of-Way: A Planning and Best Practices Guide</i> .			
17. Key Words Environmental justice, collaboration, homeless, maintenance, rest areas		18. Distribution Statement No restrictions. Copies available from OTREC: www.otrec.us	
19. Security Classification (of this report) Unclassified	20. Security Classification (of this page) Unclassified	21. No. of Pages 172	22. Price

ACKNOWLEDGEMENTS

This project was funded in part by the Oregon Transportation Research and Education Consortium (OTREC) and the Oregon Department of Transportation, which funded the Baldock Rest Area Case Study. The authors wish to acknowledge and thank the individuals who participated in interviews and willingly shared their experiences and reflections, and also those who took the time to review draft products and provide feedback. Finally, the authors wish to thank and acknowledge the support of the Portland State University Center for Urban Studies.

DISCLAIMER

The contents of this report reflect the views of the authors, who are solely responsible for the facts and the accuracy of the material and information presented herein. This document is disseminated under the sponsorship of the U.S. Department of Transportation University Transportation Centers Program and the Oregon Department of Transportation in the interest of information exchange. The U.S. Government and the State of Oregon assume no liability for the contents or use thereof. The contents do not necessarily reflect the official views of the U.S. Government or the State of Oregon. This report does not constitute a standard, specification, or regulation.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1.0 INTRODUCTION.....	5
1.1 PROJECT BACKGROUND	5
1.2 OBJECTIVES OF STUDY.....	6
2.0 LITERATURE REVIEW	7
2.1 BACKGROUND	7
2.2 HOMELESSNESS IN TRANSPORTATION RESEARCH.....	8
2.3 ENVIRONMENTAL JUSTICE AND THE HOMELESS.....	9
3.0 RESEARCH DESIGN AND METHODOLOGY	11
3.1 CASE STUDY	11
3.2 SURVEYS	12
3.3 INTERVIEWS	12
4.0 PRINCIPAL RESULTS	13
4.1 CASE STUDY	13
4.2 SURVEYS	14
4.3 INTERVIEWS	15
4.4 PLANNING AND BEST PRACTICES GUIDE.....	16
5.0 DISCUSSION AND CONCLUSION	19
6.0 REFERENCES.....	21
APPENDICES	
APPENDIX A: CASE STUDY OF THE BALDOCK RESTORATION PROJECT	
APPENDIX B: SURVEY RESULTS	
APPENDIX C: HOMELESS ENCAMPMENTS ON PUBLIC RIGHT-OF-WAY A	
PLANNING AND BEST PRACTICES GUIDE	

LIST OF FIGURES

Figure 0-1: Prevalence of Homeless Concerns for Departments of Transportation	2
Figure 2-1: LexisNexis Database Search	8

EXECUTIVE SUMMARY

This research project consists of an investigation of responses to homeless encampments on rights-of-way owned by Departments of Transportation (DOTs). While DOTs are not housing or social service agencies, their role as major public landowners involves them in dealing with the consequences of homelessness. The research goals included analyzing the prevalence of the problem, documenting how DOTs are responding, and culling from this data information that could be used as a basis for creating a best practices guide. The research includes a single mixed-methods, in-depth case study of a homeless encampment at the Baldock Rest Area in Oregon, electronic surveys of practitioners nationally and follow-up interviews with selected respondents. Products consist of two practitioner-oriented reports (included as appendices to this document): *A Case Study of the Baldock Rest Area*, and *Homeless Encampments on Public Right-of-Way: A Planning and Best Practices Guide*.

The research documented in this report was led by faculty at Portland State University's (PSU) School of Urban Studies and Planning and research staff at PSU's Center for Urban Studies. However, the impetus for this research originated with the Oregon Department of Transportation (ODOT) and that agency's interest in documenting and analyzing the Baldock Restoration Project. The Baldock Restoration Project dealt with the relocation of residents of a homeless encampment of more than 100 individuals residing at a rest area near Wilsonville, OR. Between January and May of 2010, ODOT joined forces with the Oregon Travel Information Council, public and faith-based social service agencies, and law enforcement and legal agencies to humanely relocate residents and restore the Baldock Rest Area to its primary function. The success of this experience prompted ODOT to use it as a research opportunity and to seek investigators to document and expand upon the case study.

The objectives of this research were to a) prepare a case study of the Baldock Rest Area homeless relocation; b) determine the extent to which homeless encampments across the country pose an operational and/or safety concern for DOT district managers and their staff through an online survey; and c) research best practices related to the removal of homeless encampments by DOT staff through a review of literature and follow-up interviews with key survey respondents. The findings from this research were used to d) produce a best practices guide for use by ODOT staff and DOT staff in other states throughout the country.

Our research found that the majority of DOTs nationally are dealing with challenges related to homeless encampments on rights-of-way. Of 69 responses to the survey (representing 25 U.S. states and British Columbia), 48 respondents (70%) reported that they or others at their agency had encountered homelessness, and 27 (40%) indicated that their agency "considers homelessness an operational challenge." In addition, a LexisNexis search of news sources brought up more than 100 articles since 2009 that mention both homeless camps and DOTs, covering nearly 20 U.S. states.

State Departments of Transportation Issues with Homeless Camps

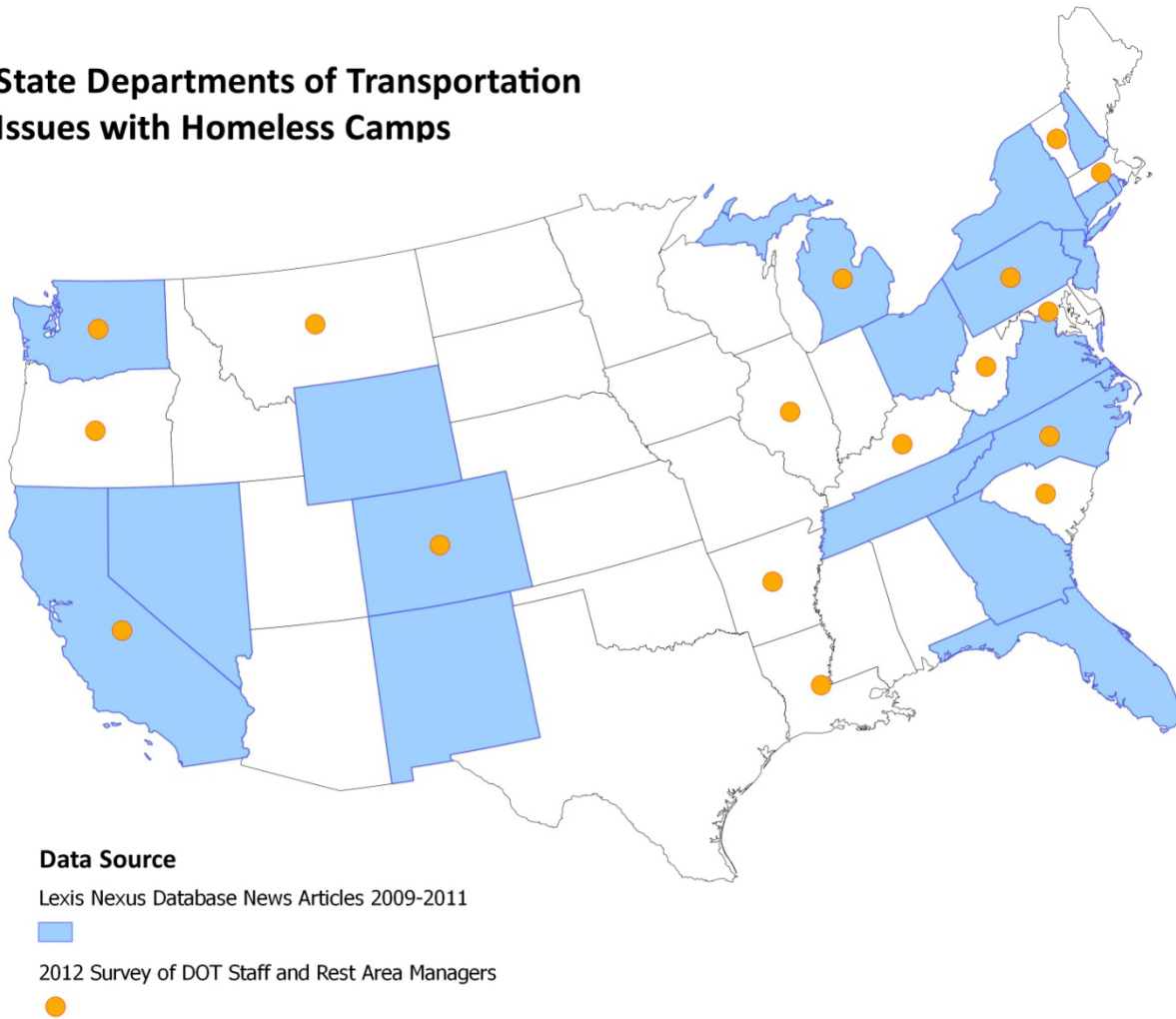


Figure 0-1: Prevalence of Homeless Concerns for Departments of Transportation

But while the problem was prevalent, few, if any, states have addressed the issue systematically. Instead, district or regional staff tended to address incidents as they arose, on a case-by-case basis. The default response was an enforcement-only response that typically involved contacting law enforcement and requesting that the individuals be moved on. However, interviewees indicated that this response tended to result in temporarily displacing, instead of addressing, the encampment. Innovative approaches, when they did occur, happened on a project-by-project basis and stemmed from the initiative and problem-solving ability of the people involved.

The most successful approaches - the ones that resolved property maintenance issues and had the fewest negative effects on the homeless population - typically involved collaboration among transportation agencies, law enforcement agencies and human services/housing/homelessness agencies. Successful responses fell into three main categories: humane displacement, short-term accommodation and long-term arrangement. Successful strategies typically included both a “push” element (from law enforcement and other criminal justice agencies) and a “pull” element (from human services, housing or homelessness agencies). Flexibility and a willingness to consider the human dimensions of the issue were key ingredients for success.

This research is particularly relevant, given the recently renewed attention to environmental justice at the federal level. In August 2011, federal agencies, including the U.S. Department of Transportation (USDOT), signed a memorandum of understanding (MOU) confirming the importance of continuing to address environmental justice concerns as laid out in Executive Order 12898. The order, entitled “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” was originally signed in 1994 by President Clinton. It expanded the environmental justice protections of Title VI of the 1964 Civil Rights Act to a new population: low-income individuals, which would include most people experiencing homelessness in the United States.

In response to the MOU, the USDOT has updated its environmental justice strategy, noting that it is “exploring traditional and nontraditional strategies for engaging low-income and minority populations.” The findings described in this report represent innovative applications of and approaches to environmental justice in transportation projects. It is hoped that this report can help stimulate information sharing between disciplines and practitioners facing these problems throughout the U.S.

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

Between January and May 2010, the Baldock Restoration Group relocated more than 20 chronically and situationally homeless households from the Baldock Rest Area near Wilsonville, OR. The Baldock Restoration Group was multidisciplinary, and its core membership included the Oregon Department of Transportation (ODOT), Oregon State Police, Oregon Travel Information Council (OTIC), Clackamas County Social Services, Clackamas County District Attorney's Office, Oregon Housing and Community Services and The Canby Center, a faith-based, social service organization.

When the Baldock Restoration Project began in January, 109 people were documented as residing at the rest area, some of whom had been there for nearly two decades. Approximately 40 of the residents were experiencing chronic homelessness and lived at the Baldock Rest Area around the clock. The remaining individuals were situationally or transitionally homeless and spent the night there on a regular or occasional basis. The resident population, particularly those experiencing chronic homelessness, had formed a complex, self-regulating community with shared meals, organized shopping expeditions, and delineated roles and responsibilities.

Features of the Baldock Rest Area, such as running water, toilets, quiet places to park, pleasant tree-shaded areas and picnic tables, proved to be attractive to some members of the homeless population. In addition, the proximity of Baldock Rest Area to a major population center (Portland) with jobs and services resulted in making this site a particularly desirable location for homeless households living in vehicles. However, the continuing human habitation in these locations had raised safety, health and security concerns for ODOT and OTIC staff, who sought to humanely and effectively remove the individuals and return the rest area to its intended use.

The Baldock Restoration Group adopted a dual strategy for addressing the encampment that included consistent enforcement of regulations ("push" forces) combined with the provision of comprehensive social and housing services ("pull" forces). The result was that by May 1, 2010, after only four months, the longstanding community was gone and more than 60% of the households had secured housing through assistance provided by Baldock Restoration Group members. The Baldock Rest Area now functions primarily as a place for travelers and truck drivers to refresh themselves, sample Oregon's natural environment, obtain information about attractions and accommodations in the area and, if needed, sleep for a few hours. Along with these visitor functions, the rest area continues to serve a smaller number of transitionally homeless individuals who sleep there in conformance with new rules. But it is no longer home to a round-the-clock resident population.

Due to its scale, the Baldock Rest Area relocation made visible a challenge that DOT staff across the country confront on a routine basis: how best to deal with homeless individuals and households living in DOT rights-of-way and rest areas. As a by-product of providing transportation services, DOTs are often some of the larger landowners in their states. Owning

this land and associated public facilities such as rest areas can result in these kinds of unanticipated consequences for DOTs.

1.2 OBJECTIVES OF STUDY

The Baldock Rest Area relocation provided an opportunity to examine current policies and procedures regarding the relocation of homeless individuals and encampments from public rights-of-way, research best practices, and consider how best to respond to issues of this nature in the future. The objectives of this research were:

1. To analyze the relocation of homeless households from the Baldock Rest Area near Wilsonville as a case study.
2. To determine the extent to which homeless encampments across the country pose operational and/or safety concerns for DOT district directors, their maintenance crews and other staff.
3. To research best practices relating to homeless encampments employed by DOT staff in other states throughout the country.
4. To apply the findings resulting from objectives 1 – 3 toward the preparation of a best practices guide for use by DOT district directors, their staff and other partners.

This research was presented at the American Association of Collegiate Schools of Planning conference in October 2012 and has been submitted to the Transportation Research Board Conference in January 2013. The research will also be used to prepare one or more manuscripts for submission to scholarly journals. Potential journals include: the *Journal of the American Planning Association*, *Transportation Research Record*, *Housing Policy Debate* and *Cityscape*.

2.0 LITERATURE REVIEW

2.1 BACKGROUND

As a population, the homeless are almost entirely absent from transportation research and literature. An initial search of the Transportation Research Information Documentation database resulted in 52 articles that address homeless issues in transportation literature. Further research found only two articles that dealt explicitly with the impacts of homeless individuals and encampments on Departments of Transportation (Poitier et al., 2005; Kocher et al., 2007).

The majority of academic literature that exists on homelessness falls into two categories: The first explores the causes of homelessness (Burt, 1997; Sommer, 2001), and the second explores how to house the homeless (Bassuk, 1984; Burt, 1997; Henwood et al., 2010; Sommer, 2001; Write, 1998). Other categories of research tend to be much narrower and specialized in their audiences. For example, the field of law has produced research on the constitutional rights of the homeless (Granston, 1992; Hershkoff, 1991; May, 2002; Mitchell, 1998; Schultz, 1992; Talge, 2010; Thomas, 2000).

As these fields of inquiry have evolved over the past 25 years, they have shaped the public discourse about homelessness and the policies that address it. In particular is a focus on the trend of the criminalization of homelessness (DeVerteuil et al., 2009; Mitchel, 1997; Sommer, 2001; National Law Center on Homelessness, 2009). This refers to enforcement approaches by jurisdictions that “prohibit activities such as sleeping/camping, eating, sitting, and/or begging in public spaces and include criminal penalties for violation of these laws” (National Law Center on Homelessness, 2009, p. 9). The trend has become especially acute in cities whose downtowns have been gentrified and re-populated by middle- and upper-income people and businesses, causing new contests over use of and rights to public space (Wasserman et al., 2010).

Though homeless advocates have criticized the growing reliance on criminalization, the criminal justice field has produced some of the most in-depth work on “best practices” for actually dealing with homeless encampments or individuals that reside on public land (Chamard, 2010; Dedel, 2005). Most of the academic research, whether ethnographic, legal or policy-driven, rarely addresses the needs of practitioners who interact with homeless populations on a day-to-day basis, and criminal justice has begun to fill this gap. This has been led by the Center for Problem-Oriented Policing, which focuses on preventative strategies that involve the broader community and avoid criminal justice (Center for Problem Oriented Policing, 2011). These practices draw heavily on social service research into methods of outreach for homeless individuals, particularly those with mental health issues (Levi, 1992; Morse, 1999).

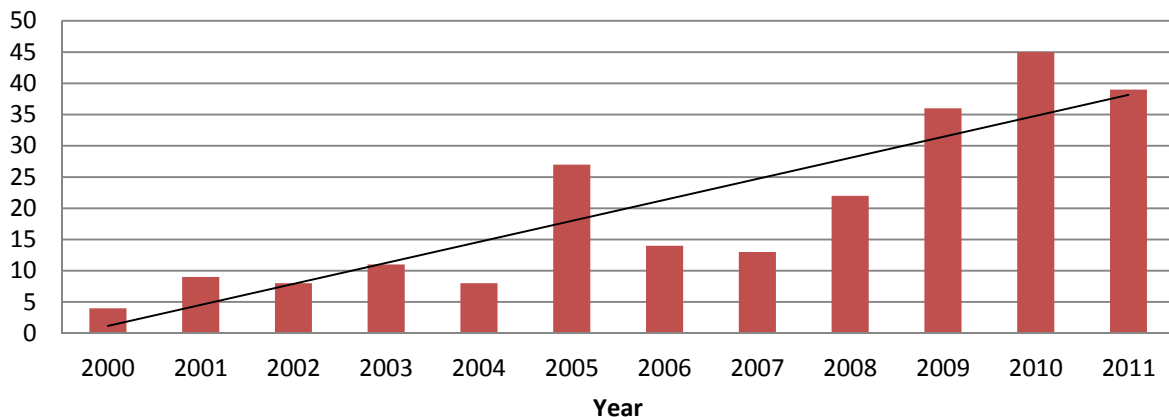
2.2 HOMELESSNESS IN TRANSPORTATION RESEARCH

An initial search of the Transportation Research Information Documentation database resulted in 52 articles that address homeless issues in transportation literature. While some of these articles discuss management issues related to homeless people in public transit and airports, none discuss challenges faced by those responsible for maintenance of highways and rest areas.

A further search identified only two academic articles on the topic of homelessness and Departments of Transportation. The first, entitled “Urban Campers as a New Population for Community Impact Assessment: Case Study of US-301 in Sarasota, Florida,” provides a case study of the Florida DOT’s response to a homeless camp found on its land when it was preparing for roadway widening (Poitier et al., 2005). The second, “From Policy to Action: Identifying Environmental Justice Concerns in Transportation Planning,” is a case study of the Washington State DOT’s (WSDOT) outreach to homeless communities affected by the Alaskan Way Viaduct and Seawall Replacement Project in Seattle, WA (Kocher et al., 2007). Both articles describe a DOT approach that was collaborative and involved assessment of the homeless populations.

In addition, a search of all 50 state DOT websites identified only six which had any mention of the homeless. For the most part, these mentions referred to homeless individuals and their camps being in the way, or needing to be cleaned up. Yet despite the dearth of discussion transportation professionals come into contact regularly with the homeless. For example, a LexisNexis search of newspaper and other news sources brought up more than 100 articles since 2009 that mention both homeless camps and DOTs, covering nearly 20 U.S. states. The number of articles has continued to grow dramatically from only four in 2000 to 45 in 2010. And, in fact, a WSDOT Design Manual identified transient encampments as one of the two “major problems common to urban roadsides” (Robertson & Smith, 2011, Title Page).

Number of U.S. News Items on Homeless Camps and DOTs*



* Search was "tent city" or "homeless camp" or "homeless encampment" and "deaprtment of transportation"

Figure 2-1: LexisNexis Database Search

Unfortunately, it appears that there is almost no information that provides transportation agencies with specific guidance on addressing this pervasive issue. Thus, the research described in this

report and the resulting best practices guide fills an important gap in the knowledge of how to address contested uses of public highway land and facilities.

2.3 ENVIRONMENTAL JUSTICE AND THE HOMELESS

In the two academic articles referred to above that address the impacts of homeless populations, the DOT professionals profiled assumed responsibility for addressing the homeless populations that would be impacted by their projects, based largely on the environmental justice requirements set out in Executive Order 12898 (1994). This order requires that all federal agencies “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” (*p. 1*).¹

The USDOT went on to clarify in its environmental justice Order 5610.2 that low-income populations are “any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/ transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity” (USDOT, 1997, Appendix 1b). By these definitions, homeless populations would qualify for these protections. In addition, the USDOT’s Civil Rights website notes that these protections would apply to rights-of-way, construction and maintenance (*nd*).

In August 2011, President Obama asked all federal agencies, including the USDOT, to sign a MOU confirming the importance of continuing to address environmental justice concerns as laid out in Executive Order 12898, and requiring annual reporting on progress made (Memorandum of Understanding, 2011). In response to the MOU, the USDOT updated its environmental justice strategy, noting that it is “exploring traditional and nontraditional strategies for engaging low-income and minority populations.” This newly revived emphasis suggests a need for new scrutiny of Executive Order 12898 and for new methods of implementation, such as those described in this report.

¹ These protections and considerations are in some ways an extension of Title VI of the 1964 Civil Rights Act, which called for inclusion and non-discrimination due to race, color, or national origin (Title VI). It is, in fact, within Title VI reporting requirements that environmental justice and Executive Order 12898 are addressed by the Oregon Department of Transportation (ODOT, 2002). They are also often addressed in reporting requirements laid out by the National Environmental Policy Act (CEQ, 1997).

3.0 RESEARCH DESIGN AND METHODOLOGY

This project was led by faculty at PSU's School of Urban Studies and Planning and research staff at its Center for Urban Studies. However, the impetus for the initial project - a case study of the Baldock Rest Area restoration effort - originated with ODOT. Upon learning about the Baldock Rest Area project, former Oregon Transportation Commissioner Gail Achterman proposed that it should be treated as a research opportunity, and ODOT Research Section Manager Bernie Jones invited interested investigators to respond.

One of the first tasks was to establish a multidisciplinary technical advisory committee (TAC) to help guide the research process. Members included Don Jordan (ODOT District 3 Manager); Cheryl Gribskov (CEO, Oregon Travel Information Council); Fred Testa (Sergeant, Oregon Department of State Police); Howard Bergstrom (ODOT Program Management Unit Manager); Luci Moore (ODOT State Maintenance & Operations Engineer); and June Ross (ODOT Research Coordinator). The TAC reviewed the initial scope of work and the two reports, the Baldock Rest Area case study and the best practices guide.

Beyond the literature review described in the previous section, this project consists of three main research elements: a) a case study of the Baldock Restoration Project; b) electronic surveys of DOT staff and rest area managers throughout the United States and their experiences with homeless populations; and c) follow-up interviews with key survey respondents. The findings of this research were then used to develop a best practices guide.

3.1 CASE STUDY

The purpose of the case study was to analyze the relocation of homeless households from the Baldock Rest Area near Wilsonville in 2010-11. Specific research questions were:

1. Partners: Who was involved in the relocation process and what were their roles?
2. Problem definition: How did different stakeholders define the issue and what did they view as constituting a successful resolution?
3. Process: What process was used to address the problem and how was it informed by various institutional problem-solving frameworks?
4. Outcomes: What outcomes resulted from the process? (e.g., What happened to the rest area? What happened to the homeless individuals? What costs were incurred and who paid for them? What institutional learning occurred? What new relationships were formed?)

The case study included collection and analysis of firsthand documentary data. The primary data source consisted of in-person confidential interviews with 11 key informants involved with the project and three formerly homeless individuals. The interviews were audio-recorded and transcribed. Secondary data included four project descriptions written by five agencies, meeting summaries, media accounts, electronic information about the rest area, legislative research and additional written materials provided by key informants. From this data, a detailed chronology of events was constructed and inconsistencies were resolved. A thematic analysis of the interviews was undertaken to identify common themes and areas of divergence.

3.2 SURVEYS

The research team developed two confidential online surveys intended to collect information about the experiences of state transportation agency maintenance engineers, managers and supervisors whose staff encounter homeless populations as part of their routine responsibilities. They were referred to as the “DOT Survey” and “Rest Area Manager Survey.” A snowball method, described below, was used to collect data from a national convenience sample.

The DOT Survey was targeted to state DOT staff. The survey link initially was sent to the research director at ODOT, who had agreed to forward it to research directors at other state DOTs. They, in turn, were requested to forward the survey to any staff at their DOT that deal with homeless encampments or individuals on a regular basis. The Rest Area Manager Survey was targeted to staff who worked at or with highway rest areas. That survey link was initially sent to the Chief Rules and Policy advisor at the Oregon Travel Experience, who forwarded it to rest area managers in other states. They, in turn, were requested to forward the survey to any other staff in their DOT or agency that dealt with homeless encampments or individuals on a regular basis.

Overall, the two surveys were very similar in their format and questioning. The main difference was that the Rest Area Manager Survey posed questions about the kind of agency the respondent worked for, how many rest areas they managed, and the nature of homeless populations they encountered.

3.3 INTERVIEWS

Interviews were conducted with an intentional sample of 10 survey respondents who had indicated that they would be willing to talk with research staff about their experiences with homeless encampments. Participants were selected on the basis of the kind of community they represented (rural, suburban, urban); geographic dispersion (regions of the country); their responses to the “write in” sections of the electronic survey; and the survey type (DOT survey or Rest Area Manager Survey). The researchers provided participants with the option of selecting from among three levels of confidentiality: not confidential (individual and agency could be identified in published reports), partially confidential (only the state could be identified) or confidential (no identifying information provided). Participants were questioned in detail about the nature of the challenges they had experienced with respect to homeless encampments, the kinds of practices in which they engaged and the types of training they had received. The interviews were audio-recorded and summarized. Thematic analysis was used to identify needs and potential best practices overall, and several specific projects were selected to be included as a profile in the guide. The profiles were sent to the informant to review for accuracy and completeness before inclusion in the guide.

4.0 PRINCIPAL RESULTS

Principal findings of this research were as follows:

- Encampments of homeless individuals represent an operational concern for a majority of state DOTs. The extent and nature of the problem varies from state to state.
- The most common response of DOTs to a homeless encampment is to call law enforcement. Most respondents found this strategy to be at least somewhat effective. The next most common response was to partner with a social services agency, which was reported as being at least somewhat effective by a majority of respondents who employed it.
- Only 15% of national survey respondents had received training on how to deal with homeless individuals through their agency; the majority thought such training was needed.
- The most effective strategies (ones that appeared to resolve the problem for the DOT and caused the fewest negative impacts on homeless individuals) involved a push/pull strategy that included both law enforcement and social service agencies.
- There were three principal types of successful strategies: humane displacement, short-term accommodation and long-term solution.

4.1 CASE STUDY

The case study in its entirety appears as Appendix A to this document. The case study research yielded the following responses to the primary research questions:

1. Partners: The project convener was a nonprofit visitor/traveler information agency which had recently assumed responsibility for managing the site. The key partners consisted of social service agencies - primarily the county social services agency and a faith-based organization, with financial support from the state housing agency. Other key partners were law enforcement/legal/transportation agencies - primarily the district attorney's office and the state police, with assistance from the state transportation agency and the local legal aid office.

2. Problem definition: The district attorney and the state police wanted to reduce the incidence of crime. The visitor/traveler information agency wanted to reclaim the rest area for its original purposes in as humane a way possible. The social services agencies wanted to provide a pathway out of homelessness for the people who lived there. While each stakeholder had a different focus, they were able to coalesce around a three-pronged goal of helping homeless individuals move into more standard living conditions and toward rejoining mainstream society; reducing and/or eliminating the encampment and the real and perceived problems associated with it; and restoring the rest area to its original use.

3. Process: The strategy consisted of two coordinated elements: a “pull” from social services that involved the creation of a pathway toward housing and mainstream society, and a “push” from the criminal justice system that included a firm deadline for moving, sanctions if they did not, and vigilance in ensuring that a new community did not become established.

4. Outcomes: All three project goals were achieved: Two-thirds of the formerly homeless residents who accepted case management assistance were in permanent or transitional housing 16 months after the completion of the project. Nearly half of those who were in unstable living situations had experienced a period of stability before relapsing, primarily due to addictions. The homeless encampment was gone as of May 1, 2010, and although some people used the rest area for overnight sleeping after that deadline, they were not a permanent presence during the day. While the project carried an “out of pocket” price tag of approximately \$60,000, this figure does not reflect the considerable amount of in-kind or volunteer time and resources dedicated to it. The majority of the cash funding was provided on a one-time basis by the state housing agency and county government.

Key lessons learned from the case study include:

- Clearly identify, up front in the process, who might be involved in helping to address the situation and how they define the problem they want to help solve.
- A two-pronged strategy (push and pull) with a multidisciplinary team is necessary to more humanely and permanently address the problem.
- Trust among team members, built over time, is essential. Trust reduces the potential risk to members in the field who may find themselves in vulnerable or even dangerous situations, and also allows the team to present a united front to the homeless residents.
- Flexibility and risk-taking are necessary for all team members and their superiors. Demands on time and energy are great, and a high level of informed judgment is required to navigate day-to-day challenges successfully.
- The availability of flexible financial resources is important to effectively relocate homeless individuals and provide needed services, as well as to adapt or maintain the site after the move has been made.
- Respect and trust between team members and homeless populations are essential to a safe, efficient and effective process.
- The project was intense and impactful for all involved. Similar projects should not be entered into lightly.

4.2 SURVEYS

A copy of the survey questions and a detailed description of the results are provided in Appendix B. We received 30 responses to the DOT Survey and 39 to the Rest Area Managers Survey, for a total of 69 from 25 U.S. States and British Columbia. In all, 48 respondents (70%) reported that they or others at their agency had encountered homeless encampments, and 27 (40%) of all respondents agreed with the statement “My agency considers homeless encampments in rest areas to be an operational challenge.” For both questions, the share of respondents was higher for the DOT Survey than for the Rest Area Manager Survey. However, this is not entirely inconsistent, as only 25% of the DOT Survey respondents reported that their agency had dealt

with homeless individuals or encampments in rest areas. Both surveys also asked respondents what kinds of problems the homeless pose for the agency. The most frequent response was health/sanitation or safety, including fire, drugs or needles, and damage to property. This was followed by trash or debris, panhandling and disruption of activities.

The next set of survey questions were related to potential strategies for addressing the challenges associated with homeless encampments. Calling the police was used by 95% of the question's respondents (more than half of all survey respondents), and most of these found it at least sometimes effective. The next most effective approach for both survey respondents was to partner with social services or homeless advocacy groups, which about half of the question's respondents reported as at least sometimes effective. Approaches that were used less frequently and with mixed results were posting eviction notices, allowing homeless individuals to stay with rules and working with a nonprofit to develop shelter facilities.

Despite the prevalence of experience with homeless populations, our survey found that most respondents (more than 85%) had not received training, although this number was lower for rest area managers than DOT staff. It also appeared that rest area managers were less interested in training than DOT staff overall. While two-thirds of the DOT Survey respondents who had not received training thought it was needed, less than half of the Rest Area Manager Survey respondents thought so. This may be because rest area managers do not deal with the homeless as frequently as DOTs do overall.

Finally, when asked what kind of training would be useful, we received the following suggestions:

- Rights of the transients
- Laws, policies, plans or procedures
- Who to notify or reach out to
- How best to approach and interact with the homeless
- How to discourage the homeless
- Disposition of transients' property
- How to safely remove the homeless and any hazardous waste or materials associated with an encampment

4.3 INTERVIEWS

The purpose of the follow-up interviews was to get more detailed explanations of the nature of the homeless problems that agencies face, and to understand what approaches or procedures they have used and whether or not they have been successful.

From the 10 telephone interviews conducted, we learned that the scope and nature of problems with homeless issues ranges considerably from state to state. In general, places with milder weather and near metropolitan areas with services are more likely to have problems than other areas, and the encampments are likely to be larger and more entrenched. Bridges (overpasses) are a common location for an encampment because of the protection from the elements the sites provide.

Successful strategies generally fell into three broad categories: humane displacement that involved social service agencies, often in tandem with law enforcement; short-term accommodation for organized groups that enabled them to remain temporarily at a safe site while the community searched for a long-term location; and long-term solutions (typically not involving DOT rights-of-way) that enabled homeless individuals to establish a semi-permanent camp with rules governing behavior and use of the property.

4.4 PLANNING AND BEST PRACTICES GUIDE

The document *Homeless Encampments on Public Right-of-Way: A Planning and Best Practices Guide*, is included as Appendix C. This guide was written for state DOT managers and supervisors responsible for setting policy and overseeing staff that maintain or inspect rights-of-way. These staff members are the ones most likely to encounter issues associated with homeless individuals or their camps as part of their routine jobs. The approach outlined in this guide consists of steps for both responding to an immediate homeless problem and creating a policy framework for the entire state agency to address future concerns. This approach was distilled from lessons learned from DOTs and other public agencies that responded effectively to situations in their own communities.

Initial response follows the SARA Process developed by Ronald Clarke and John Eck as a problem-solving approach for community policing (Clarke & Eck, 2005). SARA stands for Scanning, Analysis, Response and Assessment, four steps taken in sequence to ensure that the final choice for an intervention is grounded in a thorough analysis of the underlying conditions that are giving rise to the situation. Other important steps include identifying partners who can bring needed knowledge and expertise to address the issue most efficiently, effectively and humanely.

The following principles guide the problem-solving approach:

1. Homelessness is a societal issue with complex causes and effects that spill over and affect many different sectors, including transportation agencies, hospitals, the criminal justice system, nearby businesses, etc.
2. One of the most effective ways to address the issue is through a problem-solving approach that involves partners in both social service and law enforcement agencies (push/pull approach).
3. Moving homeless individuals from one site to the next through the use of law enforcement and physical barriers alone is costly, doesn't solve the problem and tends to generate hostility and further desperation among those being moved.
4. Line DOT employees in the field should not be expected to deal with homeless camps and individuals unaided. Higher-level management needs to get involved.
5. Every situation is unique. There is no one-size-fits-all strategy that works in every context. Thus, DOT managers need to be empowered and equipped with skills, information and flexibility that enable them to craft a solution that works for their situation.

6. The problem did not arise overnight, and it will not disappear overnight. That is why building ongoing relationships with partners is so important.

This guide is intended to equip decision makers with the information and tools they need to make the best choices possible. However, one key item that was reiterated throughout the guide is that this approach is not an exact science. It requires individuals with authority to exercise their best professional judgment in responding to situations.

5.0 DISCUSSION AND CONCLUSION

This study addresses a gap in transportation research by focusing on a population rarely studied: homeless individuals. Homelessness is a complicated, multidimensional societal problem without a clear solution. Homelessness is becoming increasingly visible and complex. We sought to address what happens when a lack of suitable housing or shelter results in spillover costs outside the housing sector.

Due to the complexity of the issue, our inquiry focused on the interdisciplinary response that involved the creativity and initiative of practitioners from a broad spectrum of professional backgrounds, including transportation, affordable housing, law enforcement, social services, the law and government. It represents exactly the kind of research called for by the Sustainable Communities Initiative of the USDOT, U.S. Department of Housing and Urban Development and the federal Environmental Protection Agency (to coordinate policies and promote equitable, affordable housing). Even more important is the coincidence of this research with renewed attention at the federal level to environmental justice and the impacts of agency procedures on low-income and minority populations. Though rarely discussed, homeless populations should be covered by these federal protections, as their welfare is negatively impacted by forced removal during routine DOT activities such as construction or maintenance.

Although the impetus for this project came from the Oregon experience with the Baldock Restoration Project, our research clearly demonstrates that homelessness on DOT property and rights-of-way is not limited to Oregon. A search of U.S. news articles in the LexisNexis database found a growing number of incidents involving homeless camps and DOTs over the last decade in states across the country. Our survey confirmed this, as nearly three-quarters of the respondents reported that they or others at their agency had encountered homeless encampments. The survey and follow-up interviews also found that most transportation agencies do not have established policies or procedures for addressing this issue, nor do most provide specific training for agency or rest area manger staff.

Homelessness is a broader social concern than is typically admitted in public discourse; traditional methods for dealing with the homeless (such as calling the police, a tactic used by at least two-thirds of our survey respondents) may succeed at removing the homeless individuals, but do little to keep them from moving elsewhere or help them transition out of homelessness. Effectively addressing that concern requires broader and more collaborative approaches. By cataloging the information and experience gathered throughout this process in the best practices guide, our research has sought to provide relevant information to those DOT staff who deal with homeless encampments as a regular part of their work. Such training is important to the safety of DOT maintenance employees and the general public. But, it is also important to the individuals experiencing homelessness, who may have serious physical or mental health issues and often have few, if any, other options for a place to exist.

A key to the effectiveness of this research process will be the dissemination of the information in final research products (especially the best practices guide) to practitioners. We believe this research will help bridge the disciplinary divide and continue to stimulate discussion and information-sharing on this topic across state lines, resulting in a virtual community of practitioners and researchers interested and involved in this topic.

6.0 REFERENCES

- Bassuk Ellen. 1984. "The homelessness problem". *Scientific American*. 251 (1): 40-5.
- Burt, Martha R. 1991. "Causes of the growth of homelessness during the 1980s". *Housing Policy Debate*. 2 (3): 901-936.
- Center for Problem Oriented Policing. Retrieved July 9, 2012, <http://www.popcenter.org/about/?p=whatispop>.
- Chamard, Sharon. 2010. *Homeless encampments*. Washington, DC: U.S. Dept. of Justice, Office of Community Oriented Policing Services. <http://purl.fdlp.gov/GPO/gpo10382>.
- Clarke, R. V. G., and John E. Eck. 2005. *Crime analysis for problem solvers in 60 small steps*. [Washington, D.C.]: U.S. Dept. of Justice, Office of Community Oriented Policing Services.
- Clinton, Bill. 1994. *Federal actions to address environmental justice in minority populations and low-income populations executive order 12898*. Washington, DC: United States Environmental Protection Agency. Retrieved July 9, 2012, <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>
- Council on Environmental Quality. 1997. "Environmental Justice: Guidance under the National Environmental Policy Act." Washington DC: Executive Office of the President. Retrieved July 9, 2012, http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf.
- Dedel, Kelly. 2005. *Illicit sexual activity in public places*. Washington, D.C.: U.S. Dept. of Justice, Office of Community Oriented Policing Services. <http://purl.access.gpo.gov/GPO/LPS71568>.
- DeVerteuil, G., J. May, and J. von Mahs. 2009. "Complexity not collapse: recasting the geographies of homelessness in a 'punitive' age". *Progress in Human Geography*. 33 (5): 646-666.
- Kocher, K., and Kucharski, M. 2007. "From Policy to Action : Identifying Environmental Justice Concerns in Transportation Planning." *The State of Environmental Justice in America Conference*, (March). Retrieved July 9, 2012, http://www.ejconference.net/images/Kocher_Kucharski.pdf
- Levy, Jay S. 1998. "Homeless Outreach: A Developmental Model". *Psychiatric Rehabilitation Journal*. 22 (2): 123.

- Memorandum of Understanding on Environmental Justice and Executive Order 12898*. (2011). Retrieved July 9, 2012, http://www.dotcr.ost.dot.gov/documents/DOTPart/080411_EJ_MOU_EO_12898%5B1%5D.pdf
- Mitchell D., and Heynen N. 2009. "The geography of survival and the right to the city: Speculations on surveillance, legal innovation, and the criminalization of intervention". *Urban Geography*. 30 (6): 611-632.
- Morse, G. 1999. "A Review of Case Management for People Who Are Homeless: Implication for Practice, Policy, and Research." *National Symposium on Homelessness Research*, (August), 7.1-7.34. Retrieved July 9, 2012, <http://aspe.hhs.gov/pic/reports/aspe/6817.pdf#page=173>.
- National Coalition for the Homeless (U.S.), and National Law Center on Homelessness & Poverty (U.S.). 2009. *Homes not handcuffs the criminalization of homelessness in U.S. cities : a report*. [Washington, D.C.]: National Coalition for the Homeless. http://www.nationalhomeless.org/publications/crimreport/crimreport_2009.pdf.
- Oregon Department of Transportation. 2002. *Title VI Plan*. Retrieved July 9, 2012 http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/titlevi/docs/ODOT_TitleVI_Plan_2002.pdf
- Potier-Brown, Laurie, and Gwen Pipkin. 2005. "Urban campers as a new population for community impact assessment: case study of US-301 in Sarasota, Florida". *Transportation Research Record*. (1924): 118-119.
- Robertson, I., and Smith, L. 2011. *Sustainable Roadside Design and Management for Urban Freeways in Western Washington*. Retrieved July 9, 2012, <http://www.wsdot.wa.gov/research/reports/fullreports/774.1.pdf>
- Sommer, Heidi. 2000. *Homelessness in urban America: a review of the literature*. Berkeley, Calif: Institute of Governmental Studies Press, University of California, Berkeley.
- Title VI of the 1964 Civil Rights Act*. Retrieved July 9, 2012, http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/titlevi/docs/TITLEVI_OF_THE_1964_CIVIL_RIGHTS_ACT.pdf.
- United States Department of Transportation, Office of Civil Rights. "Environmental Justice." Retrieved July 9, 2012 <http://www.dotcr.ost.dot.gov/asp/ej.asp#4>.
- United States Department of Transportation. 1997. *US DOT Order 5610.2 - Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Vol. 2).

Retrieved July 9, 2012,

http://www.fhwa.dot.gov/environment/environmental_justice/facts/dot_ord.cfm.

United States Department of Transportation, Office of Civil Rights. 2012. "Department of Transportation Environmental Justice Strategy." Retrieved July 9, 2012,

http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/dot_ej_strategy/index.cfm

Wright, James D., Beth Rubin, and J. D. 1998. "Ch. 4 Poverty, Housing, and Homelessness."

Beside the Golden Door: Policy, Politics, and the Homeless (pp. 65-92). New York: Aldine de Gruyter.

APPENDIX A

A CASE STUDY OF THE BALDOCK RESTORATION PROJECT

A Case Study of the Baldock Restoration Project



Andrée Tremoulet, Ph.D.
Ellen Bassett, Ph.D.
Center for Urban Studies
Portland State University
January 2012

A Case Study of the Baldock Restoration Project

Primary Investigator: Ellen Bassett, Ph.D.
Co-Primary Investigator: Andrée Tremoulet, Ph.D.
Center for Urban Studies
Portland State University
College of Urban and Public Affairs
Post Office Box 751
Portland, Oregon 97207-0751

503. 725. 4045

Campus address: 320 Urban Center, 506 Mill Street, Portland OR 97201

June Ross, Research Manager, Oregon Department of Transportation



ACKNOWLEDGEMENTS

This project was funded in part by the Oregon Transportation Research and Education Consortium (OTREC) and the Oregon Department of Transportation.

DISCLAIMER

The contents of this report reflect the views of the authors, who are solely responsible for the facts and the accuracy of the material and information presented herein. This document is disseminated under the sponsorship of the U.S. Department of Transportation University Transportation Centers Program and the Oregon Department of Transportation in the interest of information exchange. The U.S. Government and the State of Oregon assume no liability for the contents or use thereof. The contents do not necessarily reflect the official views of the U.S. Government the State of Oregon. This report does not constitute a standard, specification, or regulation.

Cover photo courtesy of Oregon Department of Transportation
<http://www.flickr.com/photos/oregondot/sets/72157607911482130/>

Executive Summary

Since the 1980s, homelessness has become an increasingly visible and seemingly intransigent part of American society. It affects not only those who experience it directly, as a condition in their own lives, but also a broad spectrum of interests that deal with its effects. One such interest is owners and managers of public land, where homeless individuals commonly seek refuge, sometimes forming communities. Although their business may be transportation, natural resources management, recreation or some other public service, managers of public land are called upon to deal with this complex environmental, legal and human problem.

This is a case study of the Baldock Restoration Project, in which a team of people from the travel, transportation, law enforcement and social services professions came together to help homeless individuals leave their long-standing community located in an Oregon highway rest area, thus restoring the rest area to its original function. This case study is part of a larger project to analyze ways in which transportation agencies address the challenge of homeless encampments on public right-of-way. A best practices guide of potential strategies and interventions for a variety of contexts will also be prepared.

The case study was prepared over a six-month period that began approximately one year after the conclusion of the project. Primary sources included semi-structured interviews with 11 key informants who were part of the team working on the project and three former members of the homeless community. Documentary sources included media accounts, meeting minutes and reports written by key informants. Sources were triangulated to promote accuracy.

One of the limitations of this case study is that the sample of formerly homeless people interviewed consisted entirely of individuals receiving services from Clackamas County because those were the only people that the researchers were able to contact, despite efforts to reach other former residents. A more diverse sample that included people who left without receiving assistance may have yielded a wider range of views about the relocation effort. To help address this concern, information from media accounts of interviews with members of the homeless community were integrated wherever possible.

When Oregon Travel Information Council (OTIC) assumed management of the Baldock Rest Area from Oregon Department of Transportation (ODOT) on January 1, 2010, a homeless community had resided at the rest area for nearly two decades. It was so institutionalized that a school bus stopped there when school-age youth were among the occupants. One evening that January, social services staff counted more than 100 people spending the night there. Some were chronically homeless individuals who were at the rest area most of the time, and some were situationally homeless people who slept in their vehicles overnight but left in the morning for work, school, or other activities.

OTIC sought a humane way to eliminate the encampment and the problems it posed and restore the rest area to its original function as a visitor resource. Instead of attempting to tackle the problem alone, the Executive Director convened a diverse group of stakeholders to develop and implement a plan of action. By May 1, 2010, all members of the resident community who had wanted assistance with relocation had received it, and the encampment was gone prior to the seasonal influx of new people who might have tried to stay at the rest area for an extended period of time. Through disseminating information about and enforcing a prohibition on staying at the rest area for more than 12 hours during a 24-hour period, a new encampment did not develop.

Key findings from the case study included the importance of a collaborative, multi-agency approach to problem-solving that involved a “push/pull” strategy. The “pull” was provided by social service agencies, which, by providing intensive, individualized case management services, were able to assist members of the resident community with obtaining housing and taking steps toward rejoining traditional society. The “push” was provided by law enforcement agencies, which established and maintained a firm deadline for the disbanding of the encampment while also working closely with their social services colleagues to accommodate those few individuals who were making progress but required some flexibility in how rules were enforced.

The research highlights the importance of building trust among Baldock Restoration Team members across institutional and professional barriers. They came to rely on each other in the field, and they were able to present a united front to the homeless community. This sense of trust, combined with their commitment to the project, enabled team members to take calculated risks and exercise professional initiative and judgment instead of relying solely on traditional procedures and protocols to guide their actions. They became on-the-spot innovators.

While a number of the Baldock Restoration Team members fit this project within their existing workload, the final push at the end required funding for dedicated social services staff and immediate expenses, such as gas, the services of mechanics, identification cards, food and camping fees. This critically important flexible funding was provided primarily by the state housing agency.

A project such as this one should not be undertaken lightly, both because of the potential demands that it can place on participants and the impacts it can have on everyone involved, from the formerly homeless individuals to the team members. In the case of the Baldock Relocation Project, the results were outstanding: sixteen months after the move, two-thirds of the individuals who accepted assistance were still housed, and a visitor to the Baldock Rest Area who did not know its history commented that it was “just a nice, clean rest area in Oregon” (CSalas98, GoogleMaps.com).

Introduction

In January 2010, when Oregon Travel Information Council (OTIC) assumed management responsibility for five rest areas in the state, 109 homeless people were documented as residing overnight in the Baldock Rest Area (Leo & Stewart, 2011). Approximately 40 were experiencing chronic homelessness and lived at The Baldock around the clock, and the remaining individuals were transitionally homeless and spent the night there on a regular or occasional basis. The resident population, particularly those individuals experiencing chronic homelessness, had formed a complex, self-regulating and long-standing community, with shared meals, organized shopping expeditions and delineated roles and responsibilities. One person had called The Baldock home for 17 years, and St. Vincent de Paul, a social services agency, had provided weekly hot meals there for several years.

While The Baldock provided shelter for these individuals, the presence of a resident population at The Baldock presented problems for other potential users. Some residents panhandled near the rest rooms, which could result in visitors feeling unsafe. Some individuals had dogs and did not clean up behind them. Sometimes fights broke out among the resident population. Alleged activities also included prostitution and a drug trade that involved some truckers as well as potentially some members of the resident population. In the six-month period from May through October 2009, the Oregon State Police received 126 calls for service at the Baldock Rest Area, including 10 aggravated assaults/fights, 10 disturbances and four animal complaints (Testa, n.d.).

OTIC organized a local business and public sector advisory group to develop a vision for the Baldock Rest Area. One concern was the problems associated with the resident population at the rest area. Thus, OTIC moved forward by bringing together the social service and law enforcement communities to craft a solution. This diverse team of professionals worked together in a two-pronged approach that involved, on one hand, intensive outreach, case-management and individualized problem solving around finding housing and other kinds of assistance for those living at The Baldock, and, on the other hand, developing new regulations and enforcement approaches to eliminate the possibility of long-term residency in the future. By May 1, 2010, four months after OTIC had assumed management for The Baldock, the longstanding community was gone, with the majority of the individuals who had experienced chronic homelessness relocating to permanent or transitional housing.

The Baldock Rest Area now functions primarily as a place for travelers and truck drivers to refresh themselves, sample Oregon's natural environment, obtain information about attractions and accommodations in the area and, if needed, sleep for a few hours. Along with these visitor functions, the rest area continues to serve a smaller number of transitionally homeless individuals who sleep there in conformance with the new rules. It is no longer home to a round-the-clock resident population.

This case study of the Baldock Restoration Project, as agency participants named it, describes the project and addresses these questions:

1. Partners: Who was involved in the relocation process and what were their roles?
2. Problem definition: How did different stakeholders define the issue and what would they regard as a successful resolution?
3. Process: What processes were used to address the problem, and how were those approaches informed by various institutional problem-solving frameworks?
4. Outcomes: What were the outcomes of the process in terms of the resident population, the rest area, institutional learning and new relationships? What were the costs to achieve these outcomes?

In addition to addressing these questions, this case study also highlights key “lessons learned” that may have bearing on how to approach similar challenges in the future. While it is virtually impossible to replicate the complex set of human relationships and interactions that were at the heart of this project, identifying key features of this effort that resulted in positive outcomes can point the way to a core of best practices to frame future efforts.

This case study included collection and analysis of first-hand and documentary data. The primary data included 11 interviews with key informants involved with the project and three formerly homeless individuals. Despite efforts to reach a more diverse group of former Baldock residents, all of the formerly homeless individuals interviewed were receiving services from Clackamas County at the time of their interview. Secondary data included four project descriptions written by five agencies, meeting summaries, media accounts, electronic information about the rest area, legislative research and additional written materials provided by key informants.

Background: The Baldock Rest Area



Image of Baldock Rest Area on I-5, Near Wilsonville
Source: i5highway.com, retrieved October 27, 2010

The 86-acre Baldock Rest Area, depicted above, consists of two sections of approximately the same size (northbound is 42.54 acres and southbound is 43.43 acres) that fall along either side of I-5 near Wilsonville, OR. Constructed in 1966 as part of the Oregon Interstate Highway System, the rest area was

named after Robert “Sam” Baldock, the Chief Highway Engineer for Oregon from 1932 through 1956 and a leader in highway design (Testa, n.d.).



Grove of the States at Baldock Rest Area
Source: Life As Art, retrieved October 27, 2011

A visitor to the Baldock Rest Area today may well feel as though he or she landed in a small segment of pristine Oregon. A short driveway leads to a parking area facing a large stand of tall Douglas Firs and flowering native trees and a pod of visitor amenities. On the southbound side, a walking trail winds through The Grove of the States, where each state is represented by a tree indicative of its flora, from palmettos to pines. The five Google online reviewers who took time to write an entry about the rest area in October 2011 all had positive things to say, as indicated these comments:

- “Just a nice clean rest area in Oregon.” (CSalas98)
- “Clean bathrooms and big area for dogs to play in!” (jess)
- “Clean bathrooms, great outdoor trails through huge trees.” (rest stop)

(GoogleMaps.com, n.d.)

Some of the same features that make the Baldock Rest Area attractive to visitors today also made it attractive to people without a permanent place to live. Hot and cold running water, toilets, picnic tables, water fountains, shady groves of trees and plenty of space were important amenities to people with only a vehicle, tent or camper as a home. It also provided privacy. Each section of The Baldock, as members of the resident population called it, had three parking areas. This enabled those living there to stay out of sight in the back area while visitors and trucks came and went in the front parking lots. Bruce, a long-term occupant, told a newspaper reporter, “We were clear in the back and we weren’t bothering anybody” (Te, 2010). For some, The Baldock also provided a source of income through panhandling near the rest rooms, and a few may have engaged in a grey market in prostitution or drugs. Its location 14 miles south of Portland and within the Portland metropolitan area meant that it was only a short distance from jobs, stores and services. A few miles south was a truck stop with showers, laundry facilities, a small market, a gas station and a restaurant. The combination of amenities, relative privacy and location made it an attractive place to live for those with vehicles but no traditional homes.

One person who spent the night at The Baldock regularly for about two years had tried other rest areas before settling on it. For him, the critical factor was the relative sense of safety that he felt at the Baldock Rest Area, which he described as follows:

Respondent: The Baldock was eventually the safest place we found.

Interviewer: What were some of the other places you checked out?

Respondent: There's a rest stop on the way to the coast on [State Highway] 26, we tried down at the coast. Those are, we tried different parks, county parks.

Interviewer: What felt unsafe about some of the other places? Give me some examples.

Respondent: They're isolated, they're solitary, there's not too many people going in and out, there's not that much activity going on around, so if you're one of two cars there or in a poorly lit area, anybody can come and go, and you don't know who's around you. The Baldock, you knew people were coming and going. It was brightly lit in the area we were staying, and there was a lot of activity, always. So, if there was any kind of violence [inaudible], at least you felt that.



“Charlie Hall says that he has lived at the Baldock Rest Area near Wilsonville for 18 years.”

Source: KATU News, March 5, 2010, retrieved October 27, 2011

The Baldock Rest Area is part of an extensive system of public land (rights-of-way) managed and maintained by ODOT. However, limited funding for maintenance posed a major challenge for ODOT, and crews that took pride in their work were stretched thin. Even though ODOT had staff at the Baldock Rest Area for a period of time every day, it was not enough, according to some observers. Reporter Michelle Te of *The Canby Herald* described the cumulative impact of the chronic underfunding of the maintenance of rest areas by 2010 as follows:

Many, if not most, of Oregon rest areas along the major interstates are in sorry shape. The \$2.5 million spent by the Oregon Department of Transportation for 32 rest areas barely covered maintenance of the restrooms and some lawn mowing, with nothing left to keep up the grounds, supervise travelers or even volunteers who offer hot coffee. (Te, June 15, 2010)

Although no one has been able to put a precise date on when a homeless population began to inhabit The Baldock, all sources agree that people have lived there since at least the mid-1990s and perhaps

longer. While this use of the Baldock Rest Area provided access to shelter and sanitary facilities for those who otherwise would not have had those items, the presence of a homeless community detracted from its intended use as a visitor resource. While there is little debate about whether members of the community panhandled (asking for assistance is protected by the Oregon state constitution and the U.S. Constitution, which addresses the right to free speech), whether they were typically involved in criminal activities is an open question, even among law enforcement officials, as Te's account below indicates.

At Baldock, homelessness, drug use, prostitution and panhandling had become big problems, said both law enforcement and prosecutors...

Sgt. Dan Swift, acting commander for the Oregon State Police's Portland area, agreed that drug dealing, prostitution and theft have been the major criminal concerns at Baldock for many years. OSP has the responsibility for law enforcement on Oregon's highways, which includes the rest areas. Swift said that the people living at Baldock have not been part of the criminal problem there...

"It's not that we weren't doing anything about it," said Bill Stewart, an assistant district attorney for Clackamas County. "We tried to use the traditional approach and that hasn't been successful."

Almost daily for the past eight years, Stewart's office saw cases brought forward from Oregon State Police regarding these issues.

"To some extent it is the homeless," he said. "But we would still have some other activity. With up to 75 truckers a night there, it's an attractor to other things."(Te, June 15, 2010)

Regardless of the level of involvement of the homeless community in criminal activity, competitive panhandling made visitors uncomfortable, a representative of the hospitality and tourism industry said, and the resident community was generally regarded as an entrenched problem that was counterproductive to tourism interests (Te, 6/15/2010 and Leo and Stewart, 5/24/2011).

According to an ODOT administrator, ODOT staff, including managers, had long been aware of the presence of a homeless community at The Baldock. The presence of the homeless community and their dogs impacted ODOT operations in a number of ways, including the following:

- A higher level of wear on park infrastructure and natural areas
- Increased maintenance demands
- Safety concerns about the maintenance crews
- Complaints from visitors about panhandling and dogs
- Concerns about prostitution involving the long-haul truck drivers

ODOT's approach was to "keep the rest area open and as clean as possible, and use state police to help us with challenges [with] the people." Shrinking resources and personnel made this increasingly difficult. An ODOT administrator explained the challenge as follows:

We could come in, and as soon as we got it solved, they would come back. Our lack of presence and our staffing put there relative to...our entire charge—the rest areas are not as high up on

our priority list as [repairing] a guard rail and other safety features for the motorists—[affected what we were able to do]¹.

Oregon State Police made attempts to address the conditions at The Baldock. Enforcement was difficult because violation of the Oregon Administrative Rules governing behavior in a rest area carried no sanctions. Periodic sweeps of the rest area to force the resident population to move proved to be largely ineffective in the long term. Once Oregon State Police focused on other priorities, the resident community returned and stayed until the next sweep forced another temporary move. Oregon State Police requested that ODOT consider the adoption of an exclusion rule which would have provided some leverage for law enforcement, but ODOT was reluctant to do so. In the past, efforts to deal with homeless individuals at the end of off ramps in Salem and encampments in other areas had led to costly litigation and unfavorable outcomes for ODOT. Concern about incurring similar costs associated with the homeless population at The Baldock may have dampened the desire to take aggressive action.

Thus, over time the homeless population at The Baldock became a resident community that learned how to ride the waves of enforcement. The community was sufficiently institutionalized by 2010 to be served by The Canby Center and St. Vincent de Paul on a regular basis, and other social welfare and service groups provided occasional assistance. When children were among the residents, a school bus stopped there to provide transportation to students. By 2010, the Baldock functioned in part as two small, interconnected villages bisected by I-5.

The Baldockeans

The Baldock Rest Area community had a complex social structure. According to social service providers who knew the people living at the Baldock Rest area (the self-named “Baldockeans”), there were two primary clusters of people based on their relationship to the condition of being homeless. The first cluster was comprised of chronically homeless people who lived in the rest area around the clock and treated it as their ongoing home. They were very open about being homeless, and they bonded with each other and formed a community. Some were more deeply entrenched in a homeless lifestyle than others. According to one provider, a number of the chronically homeless saw themselves as living outside traditional society. She said, “They become so focused on the essentials of daily living and surviving that it was ‘them and us’.”

The second cluster was called the “shadow people” because they lived in the shadows of the social structure at The Baldock and only stayed there in the evenings as a place to sleep. They lived in the shadows. They did not self-identify as being homeless; instead, they viewed themselves as experiencing a rough patch that meant that they did not have a traditional home at the moment. One shadow person explained this condition as follows:

The vast majority of people who sleep there don’t want to be recognized, don’t want to associate, don’t want to talk and are afraid of being identified, because they’re probably either working or they have family in the area and they don’t want to be known that’s what’s happening to them. There’s a lot of guilt and shame that they attach to what’s going on.

¹ To preserve the confidentiality of the interviewees, the identities of people quoted are not provided. Where appropriate, the quote is introduced with information about the general sector or role of the interviewee.

Over time, a few shadow people built relationships with chronically homeless people, in part because the latter had survival skills, access to a valuable network of information and news about resources, and experience with navigating the social services systems. In general, however, the shadow people resisted learning the ropes and participating unless their circumstances became dire. They worked hard at keeping up appearances and typically kept their distance from the chronically homeless. During the day, they might work or look for work, particularly at area libraries.

One provider identified a third cluster, whom she called transitional people who were making the move from chronic homelessness to housed. She said, “When they’re in the transition stage, there’s a real desire to get out of homelessness. They don’t want to be called homeless.”

In addition to the clusters based on an individual’s relationship with the condition of homelessness, the Baldock also had two distinct geographically-based communities that regarded each other with some distrust. The community on the northbound side of I-5 tended to attract people who were older and more stable than those who lived on the southbound side. The community on the southbound side tended to attract more people who had chronic substance abuse or mental health issues, and thus was more volatile than the northbound side.

Most Baldockeans were white adults living singly or as childless couples. Despite this similarity, the range of personal backgrounds and precipitating events that led individuals to live at the Baldock was varied, as the profiles below illustrate. These profiles have been constructed from information obtained from interviews with key informants and former Baldockeans. While names and some details have been changed to preserve confidentiality, the circumstances and conditions are factual.

- Joe, a truck driver and mechanic by trade, was traveling from Washington (where he had family) to California in search of work when he ran out of gas and money at The Baldock. Several years prior he had used his house as security to buy his own rig. When gas prices escalated and the demand for drivers was down, he lost not just his truck but also his house. Joe lived at The Baldock for about one year.
- A no-cause eviction due to disturbances stemming from severe domestic violence and child sexual abuse led Faith and her four children to The Baldock. They had a van, but it wasn’t large enough for all of them to sleep in it. So the teenage daughters took turns sleeping on the sidewalk with their mother while the younger children slept in the van. When they first arrived, the leftovers in the rest area trash cans were an important source of food for this family. “They’ll take a sandwich, and if they find it, they’ll cut that sandwich in five pieces and make sure everybody gets some. They never hoard; they never hoard,” a social worker observed.
- Myla was a former CPA who was fluent in English, Dutch, French and Chinese. Expenses associated with unexpected health issues resulted in the loss of her home. She drove to chemotherapy appointments and then spent days and nights recovering in her car at The Baldock. Myla was one of the shadow people.
- Dwayne was unemployed when his wife asked him to move out of their family home. He moved his possessions into storage, except for his camping gear. He lived in state parks until the summer rates and fully booked campgrounds pushed him and some forest firefighter friends to The Baldock as a place to live temporarily. Dwayne stayed on after his friends left. He did his laundry regularly at the Canby Center, a social service agency, looking for work online while his

clothes were in the washer and dryer. While living at The Baldock, he worked sporadically for temp agencies as jobs became available.

- Frank and Marigold were musicians. Frank entertained rest stop visitors with his guitar while Mari panhandled. Their friend Jimmy, on the other hand, was considered a nuisance by other residents. When inebriated, which occurred regularly, he was prone to name-calling, instigating fights and other aggressive behaviors.
- Todd was laid off from his high tech job in 2008 and eventually lost his home. He stayed at The Baldock overnight and did not associate with the people living there around the clock. Days were spent at the library or, when he found temporary work, at his place of employment. He went to a truck stop down the road to shower to keep up appearances on the job, because no one at his workplace knew about his living situation. Todd was one of the shadow people.
- Rena also was one of the shadow people. As a college student, she worked swing shift at a major hotel, but did not have sufficient income to pay for an apartment. No one in her classes or at the motel knew that Rena drove to The Baldock in the evenings to sleep.

Interviews with former Baldockeans and case workers provided information about the day-to-day lives of chronically homeless individuals. They formed a complex community, with a social hierarchy, unwritten and written rules of conduct and means of enforcement, systems of trade and reciprocity, customs and celebrations. One service provider characterized the community as being a village; another called it a family. One of the shadow people, a particularly keen observer of the chronically homeless community, described what he termed “the ethereal structure in place” as follows:

I watched the structure in place talk [down] speed freaks or meth addicts [who were] trying to throw their weight around, and getting them moved off. And I watched groups from other parts try to move in and take over certain areas and do [harmful] things, and then [the “structure in place” would] talk them out of it and make sure that they leave.

From time to time, people who had vehicles that worked provided transportation to others in exchange for food or other necessities. When it was cold, sometimes they would pitch in and buy propane for a heater in an RV that could provide shelter to several of them. Communal meals were an important part of the community’s rituals. “You fix something and we’d get together. Everybody would bring something, so it was pretty good,” one person, known for his chili, said.

Eugene, the resident who had lived there the longest (17 to 19 years, depending on the source) was called The Mayor of Baldock. With the help of the Canby Center, he eventually transitioned into permanent housing and was doing well as of the preparation of this report. After he left, the leadership eventually transitioned to a couple. A principal source of conflict in the group was competition for the prime spot and the prime hours for panhandling. The best spot was called “The Wall,” which was the front wall of the building that housed the rest rooms used by visiting motorists. A sidewalk led from the front parking area to The Wall, and then visitors turned in one direction or the other, depending on their gender. After several fights among competing panhandlers, the couple solved the problem for the community by developing a schedule for panhandling that gave everyone a shift and thus minimized conflict.

One of the most important assets that most Baldockeans possessed, and that most homeless people do not have, was their vehicle. It served not only as a source of transportation, but also as shelter and as a place to store belongings that made life bearable. A social services worker described the impact of losing of a vehicle this way: “When a car gets impounded, they lose everything. They lose their ID documents, they lose their pictures, they lose everything.”

In summary, many of those who regarded The Baldock as their home developed strategies for survival that included both individual coping mechanisms (e.g., “positive” actions such as journaling, maintaining personal hygiene, volunteering at the Canby Center and caring for resident dogs, as well as “negative” ones such as drinking to excess and taking drugs) and community solutions (e.g., sharing resources and developing dispute resolution processes). Their vehicle provided for a measure of protection by serving as shelter, transportation and storage for belongings. Nevertheless, it was a rough life where individuals were vulnerable to the extremes of heat and cold, extremely limited money and physical resources, unpredictability, police sweeps, and what one resident called “too much drama” among residents.

Transition to OTIC Management

The year 2010 signaled a significant change in the lives of the people who lived in the Baldock Rest Area. The 2009 Oregon legislature transitioned the management of five rest areas, three along I-5 and two along I-84, from ODOT to OTIC. House Bill 2001 authorized an intergovernmental agreement between ODOT and OTIC that transferred the responsibility for managing, maintaining and improving the rest area to OTIC as of January 1, 2010, while retaining ODOT ownership. It also provided for a \$3 million annual payment from the gas tax fund to OTIC for these services (HB 2001, 2009 Oregon Legislative Session). The Baldock Rest Area was among this pilot group of rest areas transferred to OTIC management.

This bill represented the culmination of years of work by a task force organized by OTIC in 2006 to identify ways to make them successful generators of economic development activity. The task force, which included ODOT, tourism entities, counties and cities, analyzed the state’s 32 rest areas and how they were performing. The 2009 legislation was one of the primary outcomes of that task force’s work. One of the significant achievements of this legislation was to capture a significant income stream to invest in the maintenance and management of the rest area. Previously, ODOT’s budget provided for \$2.5 million annually to maintain 32 rest areas; the legislature allocated \$3 million annually to OTIC to transform five rest areas into generators of economic activity.

To prepare for assuming management of the rest areas, OTIC organized local advisory coalitions composed of county commissioners, city officials, local economic development groups, businesses, heritage groups and chambers of commerce/visitor associations to identify goals, priorities and directions for each rest area. It was the vision of this group that drove OTIC’s management plan for the Baldock Rest Area.

To move ahead, it was clear to OTIC staff and the advisory coalition that something needed to happen with respect to the homeless encampment at The Baldock. The pressure began to build as word spread of impending changes. Police stepped up enforcement during summer 2009, issuing tickets and threatening to impound vehicles. One social worker described the situation among the Baldockeans that summer as follows:

The police would say things like, “We’re working on cleaning you guys out of here. There’s another company that’s going to take over.” So a lot of fear was created. The July before OTIC

took over, the police were really hard on them. They kept giving them green tickets on their vehicles, threatening to impound them. To [have their vehicle impounded], that's their livelihood, that's everything...That summer, it was a very traumatic summer. We kept hearing that there was a company that was going to take over, and they were going to take over in January, and when they took over, they would not be allowed to live there anymore, so there was tremendous fear.

One of the Baldockeans, that is what they called themselves, he actually wrote a letter...He's not very eloquent, but really made it his cause to reach out and say please help us. Then the newspaper picked up on that story and printed something...He typed it up and went and put it everywhere, in the gas stations, in the truck stops, everywhere, to just try and ask for help.

The media did, indeed, pick up the story. The Canby Herald and a local television station (KATU News) ran pieces on it. On one hand, a "compassionate" Oregonian reporter started investigating the situation from the angle of the displacement of a long-standing community; on the other hand, the conservative radio talk-show host Lars Larson asked OTIC if "they were finally going to throw the bums out," according to one source. Rather than react with forceful tactics to this complicated public and human relations situation, OTIC approached it bearing hot chocolate.

On January 1, 2010, OTIC Executive Director Cheryl Gribskov and Greg Leo, a member of the Wilsonville Chamber of Commerce Hospitality and Tourism Committee, showed up at the Baldock Rest Area with gallons of hot chocolate to serve the community living there (Te, 6/15/2010). They stayed for approximately two hours and listened to what individuals had to say. The people living at The Baldock believed that they were going to be kicked out. Leo described the experience as follows:

"We heard their point of view, and a lot of their fear to change... As we got to know the people out there, the more reasonable we found them to be," Leo said. "And as we had dialogue, they found they could get what they needed, and we could get what the tourism industry needed." (Te, 6/15/2011)

This initial step represented both a savvy public relations move and a remarkable act of humanity that displayed a willingness to listen and understand. It did not mean that OTIC was going to give up plans to reclaim the rest area for tourism and travel uses, but it signaled a willingness to approach the displacement of the community with awareness of the difficulties and potential suffering it would cause the inhabitants. OTIC's next move was to convene a group of community leaders, members of the law enforcement community and social services on February 7, 2011, to talk about the problem and potential solutions. OTIC hired a facilitator for the meeting whom they had used at other times. Unbeknownst to OTIC, however, the facilitator came to the meeting with strong views about what should happen at the rest area and attempted to limit the discussion of potential strategies to ones that she thought were acceptable, based on her values and belief system. She limited discussion on approaches involving enforcement, as a meeting participant describes below:

Every time somebody suggested something related to enforcing the law, there was this, "Oh my God, we can't do that. There's no way we can—we can't criminalize homelessness." The moderator said, "No one is talking about kicking these people out," and then [representatives of the county and non-profit social services agencies] said, "Wait a minute. We don't have a program to make this thing work if we don't have these guys [the state police and the district attorney's office] at the table."

While that meeting did not achieve consensus on how to proceed, it did result in key partners focusing on the issue and contemplating solutions that involved inter-agency collaboration. Most importantly, key partners connected with others who cared. Coincidentally, within two to three weeks the Clackamas County District Attorney's Office sponsored a two-day seminar by the Western Community Policing Center (located at Western Oregon University in Monmouth, OR) on problem-solving approaches involving people from a variety of different institutional backgrounds. The seminar involved a briefing on a problem-solving protocol followed by small group work on developing a plan to address a community issue identified by the small group.

Several people who had attended the February 7th meeting also attended the training. Clackamas County Social Services Program Manager Liz Bartell, Canby Center Executive Director Ronell Warner, and Clackamas County Deputy District Attorney Bill Stewart were members of a small group that decided to focus on the Baldock Rest Area. One participant said, "Bill Stewart very wisely paired certain people in groups, and he had in the back of his mind to see if we could do something about The Baldock...Nobody really acknowledges just how much he [Bill Stewart] had to do with getting this project started." This group developed the kernel of a plan that would ultimately guide the work ahead. They called the plan "The Baldock Restoration Project." After the seminar was over, Ronell Warner contacted Cheryl Gribbskov, Executive Director of OTIC, to tell her that a group had formed and had a plan for moving forward. Ronell Warner described their meeting as follows:

My commission was to meet with Cheryl afterwards [after the training session] and float the idea with her. So she and I met for lunch, and I told her, I said, "Cheryl, I think we may have a plan that could solve this that could work for everybody. I could get housing for the homeless, the police could get a reduction in the crime, even though...you will see that the crime is not started by the homeless. It's other people behind the crime. And you would not have people living at the Baldock." So we presented this plan that was developed in this committee, this training session, to Cheryl, and she absolutely said, "That sounds great." She convened a meeting of all these different interested parties, and we went on from there.

Thus, OTIC's approach to addressing the competing uses at the Baldock Rest Area was to go outside its own agency and convene those who had various kinds of expertise, resources and authority to lend to developing a plan and implementing it. While the first attempt to assemble the right people did not succeed because the meeting facilitator prevented the group discussing a full range of potential outcomes and strategies, OTIC persisted and followed up by establishing a smaller task force. The planning effort was expedited by a fortuitous occurrence: a multi-disciplinary, highly participatory workshop where key players who saw problems from different and sometimes conflicting professional points of view had a chance to work together over a two day-period to craft an approach to a complex problem. The method, community-oriented policing, came from a law enforcement framework and thus had credibility with the legal and law enforcement partners in this effort.

The Baldock Restoration Project

The Baldock Restoration Project Team first met on March 2, 2010, just two months before the annual influx of additional homeless individuals and families from the south, which typically began in May. The complete roster of Team members included 30 individuals from a variety of fields, including public and nonprofit social service agencies, Oregon State Police, Oregon Travel Information Council, legal aid organizations, local law enforcement agencies and the Office of the District Attorney. The Team brought with them a wide range of institutional frameworks for defining the problem and developing solutions,

as well as a variety of implementation tools (e.g. enforcement-related and social services tools). Approximately half the Team members had been involved in the earlier, inconclusive meeting, and approximately half were new. A complete list of members is included as Appendix 1. The so-called “Core Team Members”—those most actively engaged—included individuals from the following agencies:

Social Services

- The Canby Center (an interdenominational, nonprofit, faith-based social services provider)
- Clackamas County Social Services (the county social services agency)
- Oregon Housing and Community Services (the state housing agency)

Enforcement

- Clackamas County District Attorney’s Office (prosecuted crime in behalf of the county)
- Oregon State Police (law enforcement)
- Oregon Travel Information Council (management of the site)
- Oregon Law Center and Legal Aid Society of Oregon (represented the legal rights of the homeless community)
- Oregon Department of Transportation (promulgated new Oregon Administrative Rules)

The goals of the group were described in complementary, if not precisely the same, terms by Core Team Members, as the following quotes from interviews indicate:

Social Services Perspectives

I think what made us united was we all had a goal in mind, even though we didn’t have the same goal...My goal was to get housing for my friends. OTIC’s goal was to remove the dilapidated vehicles there. We all had different goals, and at the end of the day it was really the same goal. That made us very united.

The project goals were to revise and reinforce the law, and at the same time find a humane disposition for the people who were there who would accept our help...I guess a third goal, in my mind, anyway, was to return the Baldock Rest Area to its original purpose, which was for rest stops for travelers.

Enforcement Perspectives

Reduce crime and improve the quality of life...we are trying to make this place safer the most cost efficient way we can. We accomplished that. Now, am I glad that 33 or 34 people got resettled in a positive kind of way? Sure, but my cold... heart says I’m glad because those folks aren’t committing crime, and they’re not—it’s not just committing crime, but that concentration of disorder bred other issues, and so by having those folks kind of absorbed in the positive energy back in the world, we don’t have the same levels of problems we had in there.

I think everyone had the same goal, address the homeless problem and not just kick them out but actually get to the root of the problem and get them help.

In summary, the Core Team appears to have united around three shared goals: helping the people living at the Baldock Rest Area move into more standard living conditions and mainstream society, reducing/eliminating the encampment and the real and perceived problems associated with it, and

restoring the rest area to its original use. Members tended to focus on the goal that related to their professional outlook, while also acknowledging the others.

The strategy for achieving these goals was described as encompassing two elements: a “pull” from social services to provide housing alternatives and a path toward reentry into society and a “push” from enforcement to get the resident population to move from The Baldock. Each side recognized the importance of the other, while also acknowledging the challenge of working together, as the following quote from a social services representative indicated:

Now, was it always easy to sit around the table and talk? Absolutely not...I really had a problem with the police because they treated our homeless like criminals, and they made life so hard on them. Bill [the Assistant District Attorney] helped me see the importance of the law enforcement. I realize without the arm of law enforcement, we would never have dislodged those individuals. Never...

They needed to push and we needed to pull, but without the push, it couldn't have happened, because they [the permanently homeless individuals] kept saying, 'We don't have to go.' It was only when the law enforcement came in and truly started slapping those tickets on their vehicles and stuff like that—that did dislodge them.

To implement this strategy, the Team divided into two primary groups: a Law Enforcement Strategy Subcommittee and Social Services Subcommittee. The whole Team met approximately every four weeks prior to May 1 (March 2, April 1, April 29) to ensure coordination and appropriate timing of the two elements, and the subcommittees met at least once between meetings. In addition, Core Team Members were in frequent contact with each other via phone, e-mail or in person throughout the project as each new piece fell into place and required coordination with others. At the request of Clackamas County Social Services, the County provided funding for professional facilitation and support to the Team meetings, which was provided through staff and an experienced volunteer associated with Clackamas County Dispute Resolution Services.

A detailed chronology, presented in Appendix 1, describes how these two subcommittees coordinated their efforts over time. However, the most effective way to explain the implementation of this push/pull strategy may well be to examine the approach of each side individually.

Social Services Subcommittee

The goal of the Social Services Subcommittee was to provide a pathway to more stable living alternatives for those willing to accept assistance. Key elements of this approach included the following:

- Building on existing relationships of trust that existed between agencies and Baldockeans.
- Understanding and working with the existing social structure in the community (“the ethereal structure in place”).
- A case management approach founded on the understanding that each person was an individual who needed options specifically tailored to his/her abilities and needs.
- Conveying respect for the individual and his/her right to choose his/her future.
- Committed, experienced staff willing to work odd hours and do whatever was required to help people access the options that they had selected, and agencies willing to provide this flexibility for their staff members.

- A pool of discretionary funds to pay for unpredictable but essential goods and services, such as moving costs, application fees, medical services and gas money.
- A strongly delineated project with a definite end date.
- Extremely demanding, intensive work for a short period of time.
- Careful coordination with the Law Enforcement Strategy Subcommittee.

As indicated previously, the provision of social services at The Baldock pre-dated the formation of the Baldock Restoration Project. When the Canby Center was established in fall 2007, the board charged the new Executive Director with addressing the needs of the homeless students in the Canby School District, including those living at the Baldock. The Executive Director initially established contact not as provider of services, but as one individual to another. She and her husband brought their car, which she had damaged accidentally, to the Baldock to work on the bumper. She described what happened as follows:

While he [her husband] was working on the car, I was kind of looking around, and one of the homeless men who obviously lived in his vehicle approached us and said, “It looks like you need some help.” Of course, we had an out-of-state number plate.

The bizarre thing was he got under the car—he took a blanket out of his truck, laid it on the ground, which is very telling. He didn’t just lie on the ground. He wanted to lie on a blanket. He looked up and said, “Oh, no—it’s broken. The clips are broken.” But he said, “I have a rivet gun.” So he got in the back of his truck, and I’m thinking “Please don’t rivet my Volvo.” But he did, and to this day it holds.

That opened the conversation. His name was Bob, and that kind of opened the conversation to his being homeless. He started telling me about the homeless, and it opened the door for us to start communicating [with the community]. I learned that, to build a relationship, you can’t build it by giving. You have to have them give in return...

Bob opened the door for me to meet more, and one of the things I realized was that they are a family. They were a community, they’re a family, and it took Bob and some of the others, as I got to know them, to really invite me in and to start building that trust relationship.

Several members of the Core Team said that the well-established, trusting relationships between the Canby Center and Baldockeans prior to the beginning of this project were a key factor in its success. If this level of contact and trust had not been in place, one social services representative indicated that she thought it would have taken three months longer to complete the project.

A case management approach involved developing a relationship with a household or individual, helping them consider the range of possibilities for their future and then identifying some goals, and assisting with accessing resources or taking steps to achieve those goals. One of the social services managers described the intensive case management for the Baldock Restoration Project as follows:

The process has to be an individualized process, because everybody is different, everybody has different needs and strengths, weaknesses. And so these were really written plans that were developed with the goal of identifying housing needs, mental health needs, alcohol and drug needs, basic resource needs—food, clothing, that kind of thing—employment, training, the whole realm of psychosocial needs.

The two case managers (one from the Canby Center, a faith-based organization, and one from Clackamas County Social Services, a government agency), had different but complementary theoretical frameworks and personal styles. The Canby Center case manager's approach focused on helping a person change his/her *perspective* or sense of identity (e.g., as an addict, as a homeless person), which affected his/her *attitude* toward experiences and people, which in turn influenced the *choices* that individual made. She began by trying to help people recover their sense of value as human beings through treating them with respect and dignity. The Clackamas County Social Services case manager based her approach on William Glasser's Reality Therapy model, which focuses on personal choice and responsibility as a means to personal transformation through implementing a chosen plan of action. The Baldockeans tended to choose the person with whom they felt most comfortable. "People saw that we were a united front, when it came to it. We [both] want to help and we'll do whatever it takes. If they had an issue with our core values, maybe they would direct themselves one way or another to the other person a little bit more," one case manager said.

And staff did do whatever it took to help people move forward. "We had to send our workers out to the Baldock, or to stand in line at [a drug and alcohol detox facility] every morning in order to get a space for someone. Or take them to the doctor," one agency representative said. Because the chronically homeless had a multitude of issues to work through, many of them never believed that they would return to mainstream society. She described the process to help them do so as follows:

There's just a tremendous amount of work to be done and it requires energy and passion and concern and an orientation to detail...Sometimes there's lots of legal concerns, there's property debt, people don't have their ID, they don't have a birth certificate, all those details have to be looked after before they can get into housing.

The Canby Center became a hub for services, as it was a place familiar and comfortable to the Baldockeans. Services brought there included:

- Rent Well training (15 hours), which provides tools to address barriers to accessing housing, such as a history of evictions, poor credit or criminal activity. Successful completion enabled participants to access funding to assist with deposits and fees on apartments and their landlords to a pool of resources to assist with unit clean up should things go awry. This program was scheduled for the Canby Center to facilitate attendance by Baldockeans. Eight Baldockeans graduated from the program
- Access to computers, laundry, clothing and household items at the Canby Center.
- Two days of onsite assessment and intake by Clackamas County Behavioral Health for people in need of mental health or addiction services.

In addition, the following services are examples of the kinds of assistance with which the case managers helped individuals connect:

- Assistance with applying for the Oregon Health Plan (OHP), Social Security Disability (SS-D) and Veterans Administration (VA) medical services. Several were admitted to OHP, two people received SS-D, and one received assistance from the VA.
- Help with accessing transitional or permanent supportive housing. Five people accessed housing and intensive case management this way.

- Help with accessing employment-related services, such as Hire Oregon Vets. Oregon Travel Information Council hired a former Baldockean to work in the maintenance crew at the rest area.

In summary, relocation assistance was offered to all Baldockeans. Some chose to move on their own, others accessed a lower level of assistance (i.e., a gas card) and others chose to partake in case management, which opened the door to a wide range of help. Case managers helped people set goals and take steps toward achieving them through accessing *existing* community services. Sometimes the services were delivered at the Canby Center by special arrangement, but in most instances the case managers helped their clients access the services wherever they were traditionally provided. Thus, prior to Moving Day, the Social Services Subcommittee had put in place a “pull” strategy to help address barriers preventing Baldockeans from moving on with their lives.

Law Enforcement Strategy Subcommittee

The tasks of the Law Enforcement Strategy Subcommittee were to develop rules and enforcement procedures to dislodge the long-term community before the seasonal influx of new residents began in May and to ensure that an encampment did not re-establish itself in the future. Key elements of their approach included the following:

- Tightening up existing Oregon Administrative Rules that governed behavior in rest areas, including prohibiting camping or remaining in a rest area for more than 12 hours within a 24-hour period.
- Making the failure to comply with the Rules or leave the rest area when ordered to do so by a Rest Area Attendant a Class B violation citable by a law enforcement officer.
- Involving legal advocates for homeless individuals (Legal Services attorneys) in the development of the rules to reduce the risk of subsequent legal challenges.
- Adopting a May 1 effective date for the new rules, thus clearing the area before the summer influx.
- Carefully coordinating the beginning of the “push” with the offering of housing and services by the Social Services Subcommittee.
- Communicating openly and directly with the homeless community, in collaboration with the social service providers.
- Using discretion in enforcing new rules when violations were temporary and the individuals involved were working with the Social Services Subcommittee to find housing and services.
- Using Clackamas County Community Court for criminal cases, which provided the possibility of diverting offenders to rehabilitative services as an alternative to serving time in jail.
- Maintaining a strong, active presence of Oregon Travel Information Council management and maintenance workers, who informed motorists, truckers and others of the new rules.
- Providing enhanced state police patrols through the rest area during the warm weather months.

The underlying framework for this approach was Problem-Solving Justice, which has its roots in community and problem-oriented policing (Wolf, 2007). It is based on the concept that the criminal justice system should identify and address underlying problems as a means of reducing recidivism and forestalling future criminal activity instead of exclusively focusing on arresting, processing and adjudicating offenders. Key principles of this approach include community engagement, collaboration, individualized justice and enhanced information about and understanding of complex issues (Wolf, 2007). The February 2010 workshop organized by the Clackamas County District Attorney’s office, where

the strategy for The Baldock Restoration Project was created, was based on a Problem-Solving Justice approach.

To disperse the community and prevent a new one from forming, some members of the Law Enforcement Subcommittee advocated for the adoption of an Exclusion Rule similar to one that was in force in the state park system. This would have allowed authorized personnel to issue exclusion notices to violators of the sections of the Oregon Administrative Rules that govern behavior in rest areas. In general, exclusion notices prohibit violators from returning to a defined exclusion zone, such as the Baldock Rest Area, for a specified period of time, such as 90 days. Violation of the exclusion notice typically results in a criminal trespass citation, a misdemeanor that is an entry point into the criminal justice system. Instead of sending them through the typical court system and being penalized with jail time, the Clackamas County District Attorney wanted to divert most offenders of an Exclusion Rule into the Community Court system, where they could have been given the option of entering a treatment program instead of serving jail time. However, at this stage, there was not a willingness to take this aggressive step, and the committee instead focused on other changes to the Oregon Administrative Rules.

Initially, the Oregon Law Center and Legal Aid Services of Oregon objected to several provisions in the first draft of the proposed rules as including broad or vague language that would be “impossible for both law enforcement to interpret and individuals to understand what is illegal.” While some members of the committee were interested in limiting panhandling, Oregon Law Center pointed out that the right to solicit donations is Constitutionally-protected free speech. All parties accepted the proposed revisions in their entirety. ODOT undertook the formal adoption of the new Administrative Rules, with an effective date of May 1, 2010. A copy of the new rules appears as Appendix 3.

The new rules had several key provisions. First, the amendments imposed a sanction for failing to comply with the rules. Prior to this change, the Oregon Administrative rules provided a code of conduct, but did not specify any consequences for failure to do so. An infraction of the rules, including failure to leave the rest area when ordered to do so by a rest area attendant, was citable as a Class B violation that carried a maximum fine of \$360 (ORS 153.018). In a practical sense, this meant that a rest area attendant who saw a person violating the rules could ask him or her to leave the rest area. If they refused to do so, the attendant could call Oregon State Police, and a state trooper could issue a violation that carried a fine.

A second key area included two provisions that, when taken together, discouraged people from panhandling at the Wall at the rest room, the most remunerative location. Rule 8 prohibited blocking access to the rest rooms, and Rule 9 prohibited smoking within 20 feet of the rest rooms. Thus, the right to free speech was preserved and panhandling could occur, but only under these new conditions.

Perhaps the biggest deterrent remained the potential of having one’s vehicle towed. Typically, the vehicle contained everything that a Baldockean was relying on to survive, from important identification papers to food, clothing, a bed, shelter and transportation. Without a vehicle, a person was not only homeless, but also without the means of taking care of himself. Unlike the imposition of a fine, towing had an immediate effect on a person’s current wellbeing. By state law, Oregon State Police, Oregon Department of Transportation and local law enforcement agencies had the ability to tow vehicles that were parked in a public way for more than 24 hours without authorization to do so (ORS 819.110 – 215). Once a homeless person received a towing notice, they had 24 hours to move their vehicle or face towing. The new Administrative Rules did not expand authority to tow.

According to representatives from OTIC, Oregon State Police and the Clackamas County District Attorney's office, the collective effect of the new rules and new level of attention to the problem was to pressure the Baldockeans to leave through threat of citation and/or arrest, towing of vehicles as a last resort measure, and adjudication through the County Community Court, should criminal misdemeanors or felonies occur.

The new rules and enforcement procedures were conveyed to the Baldockeans as part of a broader-based, comprehensive strategy to change how the rest area operated. On March 2, the Canby Center hosted a "listening lunch" for Baldock community members at the Bethany Church in Canby. Prior to the lunch, community members were invited to go to the Canby Center for hot showers, free haircuts and donated clothing, so that they would feel more comfortable meeting with Baldock Restoration Committee members. At that lunch, they learned that they would be offered one-on-one assistance with relocating (including help with addressing the barriers that prevented them from staying housed) and that new rules would be enforced on a consistent basis beginning May 1, so that staying where they were would no longer be an option. A second meeting involving Committee members was held onsite at The Baldock during one of the weekly Saint Vincent DePaul meal days to update the community and reinforce the message from the Law Enforcement Strategy Subcommittee. At this event, the Baldockeans were able to hear directly from the Deputy District Attorney, and he was able to meet community members.

Thus, the Law Enforcement Strategy Committee, like the Social Services Committee, had developed and vetted a strategy, coordinated with its sister committee, communicated with the Baldockeans, and was ready for the big push on moving day.

Moving Day and Beyond

Moving day was April 30, 2010, the day before the new administrative rules went into effect. Although the new rules had little practical effect, they were symbolically important, and their adoption signaled a new era of management and humane but consistent enforcement. Practically, the effective date provided a deadline for moving on or facing sanctions which might include towing. It forced individuals to make choices that they had avoided in the past, and it emptied the rest area of long-term campers before the likely summer influx.

The case managers created a relocation plan that included a strategy for each person that had been developed in collaboration with that individual. One of the case managers described the short-term relocation options as follows:

Respondent: We had to come up with a relocation plan and figure out who would be able to move to a camp ground in the area, who had working vehicles and the ability to drive so that they would still be doing an "in and out," abiding by the [12-hour maximum stay] rules but going in and out of there...For some of the folks who had RVs, we were looking at RV parks in the area, especially if they did have income. And any other housing options. At the same time, we were lining up the Rent Well class, which is a six week series of classes. [If they attended the classes,] they would get the certificate, which would provide them with the landlord guarantee.

Interviewer: Which means, if they mess up the unit, that you guys have some money to backfill—it's a pool.

Respondent: Correct.

The case managers had secured volunteers to help with the move and mechanics to assist with vehicles in need of repair. They had gas cards and funds to pay for camping fees. They had worked for weeks to earn the trust of the residents, thus laying the groundwork for an orderly move. But then the unexpected happened.

A state trooper who had not been involved in the effort and who was from a different (but nearby) district arrived and began to ticket vehicles with the threat of towing. Chaos nearly ensued. The case manager described the tense situation this way:

Respondent: We had a total plan with drivers, how we actually work it for safety for ourselves and others within—not just the residents there and ourselves, but other motorists coming through. And this kind of put a little bit of a cog into the system.

Interviewer: Little?

Respondent: A huge one, because people were really panicked. And people with addictions, their first source of comfort was to engage in their addiction and to try and self-medicate.

Interviewer: And there's a cop there.

Respondent: And we're supposed to be moving vehicles...people were trying to take off that were under the influence because they were panicked. [The other case manager] went in on the north side. I came in as soon as I got the alert and ran into the southbound side...You didn't have phone service, so our ability to communicate as professionals was very limited, and so we kind of had to fly by the seat of our pants.

The situation became dangerous because the trust that held the project together was in jeopardy. Not even the case managers understood why the ticketing was occurring. But then the state troopers who had been involved in the project arrived and quickly put an end to the ticketing. The other trooper left. No one was hurt, but it was not an orderly move. This incident revealed how important the bonds of trust among team members and between the team members and the resident community were to the success of the project.

According to the Oregon Travel Information Council, the site was left in good order. With the organization's larger budget for the rest areas, their crews began to address deferred maintenance items. Their staff was able to maintain a more visible presence at The Baldock and communicate with new people as they arrived. They informed visitors of the new rules and kept an eye on returning Baldockeans to ensure that they complied with the 12-hour rule. A small number of "shadow people" (reported to be approximately 25 people per night in April 2011, approximately 13 months after the project began) spent nights in the rest area but did not establish an ongoing presence.

Oregon State Police were able to exercise informed practical judgment about how best to enforce the new rules. While the community was gone as of May 1, 2010, some individuals receiving services returned to The Baldock on a temporary basis because alternative housing was not yet available. Some needed to finish the Rent Well class to be in a position to secure housing, while others needed to complete other pieces of their individualized relocation and case management plans, and still others were on waiting lists, but space had not yet opened up for them. Oregon State Police accommodated

this in their enforcement efforts. One of the Core Team Members said that the key Oregon State Police personnel involved with the effort “came through beautifully because they put themselves on the line to fix the problem.”

OTIC entered into an Interagency Agreement with Oregon State Police to provide 104 hours of enhanced patrol coverage from May 1, 2010, through June 30, 2010, and renewed the contract for an additional 125 hours through September 30, 2010. Subsequently, Oregon State Police designated the Baldock Rest Area as a Problem Oriented Policing Tactical Zone, which means that Troopers are directed to patrol the area during discretionary time. In addition, information on criminal activity in the zone is tracked and reported on a regular basis. In effect, the Tactical Zone designation created a long-term supplemental policing strategy for the Baldock Rest Area (Testa, n.d.).

On the social services side, the case managers were exhausted at the end of the project. Of the 22 chronically homeless households at The Baldock when Clackamas County Social Services began offering case management assistance, 20 accepted help and had a plan in place for what they would do when enforcement of new rest area rules were to go into effect on May 1 (Clackamas County Social Services, 2010). Other chronically homeless individuals were assisted by the Canby Center both prior to and during the same period. Some individuals left of their own accord, without assistance from social service agencies. An unknown number of shadow people who required information but not intensive case management obtained assistance as well. A more detailed accounting of the outcomes appears later in this report. In reflecting on this experience, one of the social services representatives said, “I think as a group we were highly successful in collaborating on the project, and I think...some of the clients had remarkably good outcomes, considering where they had been.”

Clackamas County Social Services and the Canby Center continued working with former Baldockeans long after the move. Those who moved to transitional housing managed by the County continued to receive intensive case management, including employment and training/education assistance, help with finding permanent housing, and counseling related to re-establishing healthy relationships with family and key others in their lives. Consistent with the faith-based orientation of the Canby Center, staff there also maintained supportive (but more flexible, less formal) relationships with Baldockeans, knew what was taking place in their lives and were ready to assist.

Outcomes and Costs

Prior sections of this report have described the *efforts* of the Baldock Restoration Team to fundamentally change the rest area and to assist the chronically and situationally homeless households living there; this section analyzes the *results* and the *costs* associated with achieving them. The outcomes of each of the subcommittees are described below.

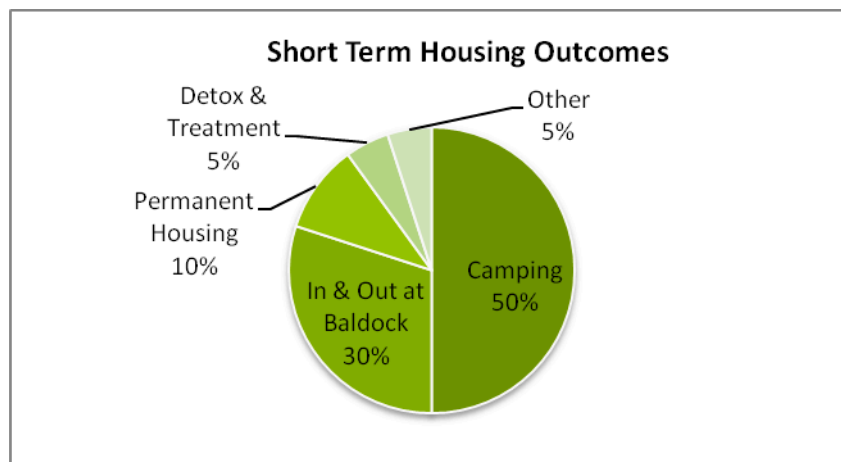
Social Services

The key question to consider in analyzing the outcomes of the Social Services Subcommittee is: What happened to the community of people who used to live in the Baldock Rest Area? Data are available on both short-term and long-term outcomes.

In January 2010, the Canby Center conducted a one-night count at the Baldock Rest Area and found that 109 people were spending the night there. Once the Baldock Restoration project began, some chronically homeless people left of their own accord, and some of the shadow people found other places to spend the night. As of March 22, 35 individuals were reported as wanting assistance with relocation and other services (Meeting Summary of Social Services Subcommittee of Baldock

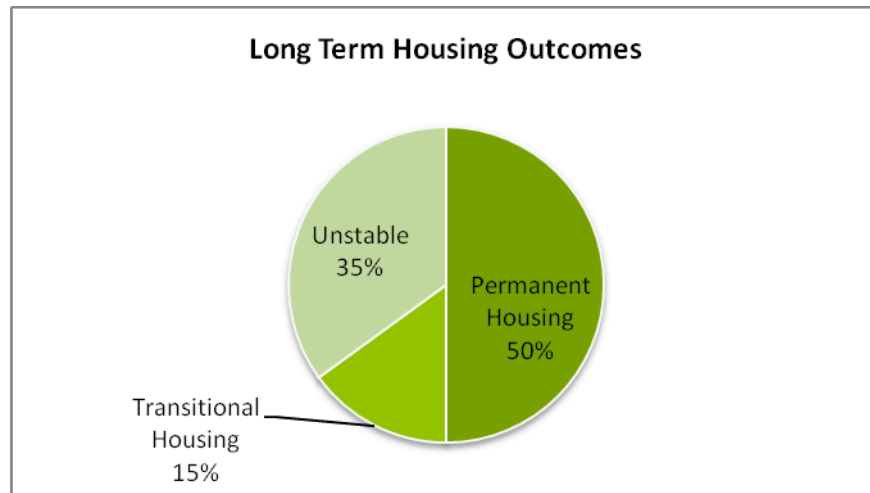
Restoration Team, March 22, 2010). Before Clackamas County Social Services formally began offering case management services in collaboration with the Canby Center, the latter had assisted 13 chronically homeless individuals with moving into housing (Canby Center, n.d.). At the April 29 team meeting, the day before the move, the Canby Center reported that 24 individuals required assistance with relocating. Case management services had been provided to 22 households and, with two having exited the program, 20 households needed assistance on moving day.

In the short term, 10 households moved to the nearby campground on April 30, 2010. Approximately six continued to spend the night at The Baldock, but in compliance with the 12-hour rule. Two were able to obtain permanent housing right away, one fled when the Oregon State Police began ticketing vehicles on April 30, and one entered substance abuse treatment services. The figure below shows the short-term housing status of the 20 households who requested assistance.



Source: Clackamas County Social Services Interview Data

The long-term outcomes of this effort were very good. Sixteen months after the move, 10 of the households lived in permanent housing and three others lived in transitional housing and were good candidates for moving into permanent housing once it became available. Only seven households, approximately one-third of the chronically homeless individuals who had sought assistance, were in unstable housing situations. Most of these individual had significant addiction issues. Three of the seven were able to obtain permanent housing for a short time but were not able to maintain it. The figure below depicts the long-term housing outcomes of the 20 households.



Source: Clackamas County Social Services Interview Data

It is difficult to find a single standard against which to measure this 65% housing retention rate because so much depends on the population profile and the level of services provided. On one hand, the City of Portland sets a housing retention goal of 75% for participants in the street outreach programs that it funds. These programs include strong housing placement resources, such as immediate access to permanent housing vouchers to help pay for rent, and ongoing supportive services. In the case of the Baldock Restoration Project, strong housing placement resources were not earmarked for the Baldockeans. Some accessed vouchers or other public resources when they became available during the course of normal program operations; others found housing on their own, through family or friends. On the other hand, the Portland Police Bureau invested \$6 million over three years to provide housing and very intensive services to 54 chronically homeless individuals with long histories of incarceration related to their mental health status, addictions, and homelessness (Korn, June 2, 2011). While some of the Baldockeans may have had a similar profile, the same level of services was not available to them. Given the mixed profile of the 20 Baldock households and the lack of immediately available access to permanent housing, a 16-month housing retention rate of 65% is very good.

Another way to understand these results is to consider the difficult transition that individuals had to make to go from a precarious life without housing to living in a safe environment indoors. According to some of the former Baldockeans interviewed, the experience of homelessness can dramatically affect an individual's sense of self. For example, when one person moved into a furnished apartment, he slept in a chair in the living room for the first week because having a bed was disconcerting. Another remarked on how much space he had (compared to a car or camper) in a one-bedroom apartment. Another said that he had to learn how to cook in a kitchen all over again. One person said that being on edge about other people for months had led to suspicion and paranoia about others that she had to work to overcome. The project achieved a success rate of 65% (permanent and transitional housing) with helping chronically homeless individuals re-enter society.

Another way in which these results are remarkable is that the case workers knew what was occurring with each household 16 months after the initial move, even if they were not receiving services. All three of the former Baldockeans interviewed chose to volunteer with the Canby Center or at The Baldock itself to "give back" what they had received—and two of them worked in addition to volunteering. This speaks to the close bonds and networks that were formed during the intense weeks leading up to the

move and the months following, and the importance of building genuine relationships as a means of softening the edge of difficult changes.

One important limitation on these positive outcomes needs to be noted: the absence of information about the Baldockeans who left before Moving Day. Despite efforts to do so, the researchers were not able to establish contact with any of these individuals or obtain information on their views of the Baldock Restoration Project. This case study would be more complete if their observations, concerns and ideas were available.

Public Safety

One way to measure changes in real and perceived crime and misconduct in the Baldock Rest Area is to analyze the changes in the calls for public safety assistance before and after the implementation of the project. This analysis was undertaken by Sergeant Fred Testa of the Oregon State Police. He compared the “calls for service” at the Baldock Rest Area May through October 2009 (prior to implementation) to those for the same period in 2010 (after implementation). He found a 55% reduction, from 126 calls in 2009 to 57 calls in 2010. Among the 24 call categories, the number of calls decreased in all but five. Assaults and Disturbances each were reduced by approximately 70%, and no calls were received for animal complaints, motor vehicle crashes, harassment, vandalism and drug activity. Calls for suspicious person/activity/vehicle decreased by 54% (Testa, n.d.). The table below presents these results.

Baldock Rest Area Calls for Service **Call Type and Frequency, May through December**

Call Type	2009	2010	Change
Aggravated Assault/Fight	10	3	-70%
Disturbance	10	3	-70%
Suspicious Person/Activity/Vehicle	37	17	-54%
Drug Activity	2	0	-100%
Harassment	2	0	-100%
Trespass	0	3	NA ²
Vandalism	1	0	-100%
Domestic	2	0	-100%
Menacing	3	0	-100%
Recovered Stolen Vehicle	1	1	0%
Theft	3	4	33%
Welfare Check	13	7	-46%
Arrest Warrant	3	3	0%
Animal Complaint	4	0	-100%
Stolen/Lost/Recovered Property	8	5	-38%
Impeding Access (Hazard)	12	2	-83%
Fire	1	0	-100%
Missing Person	0	1	NA
Child Abuse	1	0	-100%
Sex Crime	0	2	NA

² Not Applicable (NA) is used when calculating change would result in division by zero (i.e., when there were no instances of that call type in 2009, but there were instances in 2010).

Driving Under the Influence of Intoxicants	4	1	-75%
Medical Emergency	4	5	25%
Minor in Possession of Alcohol	1	0	-100%
Motor Vehicle Crash	4	0	-100%
Total	126	57	-55%

Source: Oregon State Police Northern Command Center Call Log. Compiled and analyzed by Sgt. Fred Testa, Oregon State Police

It is important to remember that a reduction in calls for service could be caused by any number of factors and/or the interaction among them. For example, the active, visible presence of Oregon Travel Information Council management onsite after May 1, combined with the absence of a homeless encampment, may have acted as a deterrent to criminal activity involving motorists or truckers. Criminals who might have otherwise used the Baldock Rest Area to conduct illegal activity may have decided to go elsewhere when they discovered that it had changed. The Assistant District Attorney summarized the outcomes of this effort by saying, “The great part of the story is, I didn’t prosecute anybody... We cut crime by 70% and I didn’t send anyone to jail.”

Costs

By far, the majority of resources associated with this project were of a kind that did not appear on a balance sheet: the “in-kind” staff time of members of the Baldock Restoration Team who worked on this project instead of others within their responsibility, the undocumented, unpaid overtime that they contributed, and the work and donations of volunteers enlisted to help. These contributions were essential to the success of the project; without them, the intense focus and heightened level of activity required for success would not have been achieved. Examples include the following:

- Clackamas County Social Services estimated that it invested approximately \$3,700 in administrative staff time in supporting the project.
- Similarly, OTIC estimated that it invested approximately 20 hours of staff time per week, spread among six staff, for a period of five months.
- In the summer of 2009, the board of the Canby Center told their Executive Director that the homeless community at The Baldock was consuming too much of her time and the Center’s resources, and they advised her to stop working with them. What she did instead was to work a full work week for the Canby Center and then work on the Baldock Restoration Project on her own (unpaid) time. Key members of both Baldock Restoration Project subcommittees said that her knowledge of the community, relationships with the residents and level of personal commitment were essential elements of the project’s success.

The table below shows cash expenditures of approximately \$59,000, of which 63% were provided by Oregon Housing and Community Services for case management associated with finding housing and options for Baldockeans. These Emergency Housing Assistance funds were provided by Oregon Housing and Community Services (OHCS) with the understanding that they were “one time only” resources, and that the agency is unlikely to provide funding for similar projects in the future, according to Mary Carroll, Program Analyst with the Community Services Section of OHCS.

OTIC provided approximately \$18,500 (31% of cash expenditures) for enhanced security patrols to discourage resettlement of the rest area, and the Canby Center and Clackamas County both contributed cash resources as well. The available information did not include an indication of any cash contributions

from nearby cities or businesses affected by the problem, although it is possible that some businesses contributed indirectly by providing donations to the Canby Center.

Baldock Restoration Project Cash Expenditures					
Uses of Funds	Total	Sources			
		Oregon Housing & Community Services	Canby Center	Clackamas County	Oregon Travel Information Council
<u>Social Services Committee Expenditures</u>					
Case management, Clackamas County	14,880	14,880			
Discretionary Funds	19,105	13,105	3,000	3,000	
Mileage	270	270			
Indirect costs/Admin, Clackamas County	3,852	3,852			
<i>Subtotal</i>	<i>38,107</i>	<i>32,107</i>	<i>3,000</i>	<i>3,000</i>	<i>0</i>
<u>Law Enforcement Subcommittee Expenditures</u>					
Enhanced Patrols by Oregon State Police	18,531				18,531
<i>Subtotal</i>	<i>18,531</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>18,531</i>
<u>Coordination</u>					
Facilitation Services	2,500			2,500	
<i>Subtotal</i>	<i>2,500</i>	<i>0</i>	<i>0</i>	<i>2,500</i>	<i>0</i>
Total	59,138	32,107	3,000	5,500	18,531

Sources: Clackamas County Social Services, Oregon Travel Information Council, Oregon State Police

Findings and Conclusions

To recap, the primary research questions and their answers are as follows:

1. *Partners: Who was involved in the relocation process and what were their roles?*

The project convener was a nonprofit visitor/traveler information agency which had recently assumed responsibility for managing the site. The key partners consisted of social service agencies—primarily the county social services agency and a faith-based organization, with financial support from the state housing agency—and law enforcement/legal/transportation agencies—primarily the district attorney’s office and the state police. Additional assistance came from the state transportation agency and the local Legal Services office.

2. *Problem definition: How did different stakeholders define the issue and what would they regard as a successful resolution?*

The district attorney and the state police wanted to reduce the incidence of crime. The visitor/traveler information agency wanted to reclaim the rest area for its original purposes in as humane a way as possible. The social services agencies wanted to provide a pathway out of homelessness for the people who lived there. While each stakeholder had a different focus, they were able to coalesce around a three-pronged goal of helping homeless individuals move into more standard living conditions and toward rejoining mainstream society, reducing and/or eliminating the encampment and the real and perceived problems associated with it, and restoring the rest area to its original use.

3. Process: *What processes were used to address the problem, and how were those approaches informed by various institutional problem-solving frameworks?*

The strategy consisted of two coordinated elements: a “pull” from social services that involved the creation of a pathway toward housing and mainstream society, and a “push” from the criminal justice system that included a firm deadline for moving, sanctions if they did not, and vigilance in ensuring that a new community did not become established.

4. Outcomes: *What were the outcomes of the process in terms of the resident population, the rest area, institutional learning and new relationships? What were the costs to achieve these outcomes?*

All three goals were achieved. Two-thirds of the formerly homeless residents were in permanent or transitional housing 16 months after the completion of the project, and nearly half of those who were in unstable living situations had experienced a period of stability before relapsing, primarily due to addictions. The homeless encampment was gone as of May 1, and, although some people used the rest area for overnight sleeping after that deadline, they were not a permanent presence during the day. While the project carried an “out of pocket” price tag of approximately \$60,000, this figure does not reflect the considerable amount of in-kind or volunteer time and resources dedicated to the effort. The topics of institutional learning and new relationships are discussed below.

In addition to these findings, there are some additional important lessons to be gleaned from this case study which are relevant to considering how to approach similar problems in the future.

1. Whose Problem Is It?

The process of problem definition—who does it and how it is done—sets in place a series of actions that will profoundly affect the outcomes. In a rush to do something to address an issue, it is easy to undervalue or miss this step. For example, it is important to consider how an agency’s professional orientation (e.g., transportation, tourism, social services, law enforcement), organizational culture (hierarchical decision-making, dispersed decision-making), and risk tolerance (high to low) might affect how an agency perceives a problem and its potential solutions. To quote an old saying, to hammers all problems are nails; to wrenches, all problems are nuts and bolts.

Sometimes more practical and direct concerns may influence how a problem is defined. For example, an ODOT manager indicated that the agency’s funding mechanism—the State Highway Fund—limits the organization’s activities to maintenance, operation and construction of the highway. That person explained, “It’s really not our charge to seek out social services for people staying in the right of way.” State highway funds by law have limited uses and cannot be used for social services.

In contrast, when OTIC assumed management for the rest area, they had a both a larger budget for the project and the benefit of other funding streams that supported the organization overall. Instead of attempting to solve the problem on their own, however, they brought the issue to a larger constituency in a two-step process, visioning and strategy development. By acting as a *convener*, OTIC invited others to help define (and thus share ownership of) the problem and expanded the pool of expertise and resources to help address it. While there is risk in this approach—for example, the first meeting of a group to work on solutions ended badly—there are also tremendous rewards, as the outcomes of this effort indicate.

Furthermore, by getting more people focused on this problem, OTIC helped make The Baldock an issue whose time had come. All the agency partners had other concerns demanding time and attention; OTIC

was successful in getting them to prioritize this particular issue above others by building momentum and showing respect for partners' expertise. Once key partners were on board and had taken the lead, OTIC changed its role from convener to project champion and supporter.

2. Building a Two-Pronged Strategy through a Multi-Disciplinary Team

Prior efforts to move the homeless community from The Baldock had consisted of an enforcement-only approach. Furthermore, resources were not dedicated to ensuring that enforcement was consistent. In contrast, this effort involved both the push of enforcement and the pull of connecting with pathways out of homelessness. Both appeared to have been needed to permanently address the problem.

A two-pronged approach necessarily involves people with differing areas of expertise. Members of the Baldock Restoration Group used the framework of Problem-Solving Community Justice to develop their strategy. They were able to do so in a professionally-supported environment, free from other distractions, that spanned two days. While it is not possible to ascertain if this setting was essential to the success of the project, it is clear that the workshop was the pivotal event that brought key stakeholders together and provided the space for them to formulate a strategy and begin to develop trust in each other.

At a minimum, investigating potential problem-solving processes and decision-making frameworks might be useful in enlisting needed partners and developing strategies. The Baldock Restoration Team's experience with the workshop also suggests the importance of providing the opportunity for people from different backgrounds to get to know one another and try out ideas in a safe and structured environment. The experience with the unsuccessful first attempt to bring all parties together highlights the importance of allowing a full range of ideas and points of view to be explored in a comfortable environment during the initial stages of team formation and strategy development.

3. Trust Among Team Members is Essential

A theme that ran through all the Baldock Restoration Team interviews conducted for this project was that of trust among members. Most had had negative experiences with people from some of the other professions involved with the project. A representative from one of the social services agencies put it this way:

Social services and police don't always get along because the moment they say "bum" [in reference to a homeless person], that infuriates me. We see things from different sides...I really had a problem with the police because they [had] treated our homeless like criminals, and they made life so hard on them.

In the slow process of building trust and credibility with team members, actions spoke louder than words. In reflecting on how social services team members came to trust law enforcement team members, a state trooper described the process as follows:

I think what the initial hurdle was, was all of us distrusting each other. That was the big one. I think social services were skeptical of law enforcement. Maybe I'm putting words in their mouth. And us [law enforcement], we thought they wanted to do nothing but hug them...I think that the big hurdle in the beginning was trusting that we all had the same goal and that we were willing to bend out of our norm and get out of that mold.

Interviewer: Were there any specific methods or incidents that you recall that really helped build trust?

Respondent: I think it was just talking through things...Some of it was how hard to be in [the homeless community] at first... Because I wasn't willing to drop the hammer on them so quickly, I like to think that [social service team members] appreciated that—that we were willing to give [social services staff] time to work with them before we were ready to really put some teeth in it. But then when they said, "Go ahead, put some teeth in it," we were willing. We were willing to do that and be flexible with them. I like to think we were building a trusting relationship.

Trust was essential because each side needed to rely on the other when they were out in the field, in potentially vulnerable or even dangerous situations. Trust also meant that team members were able to present a united front to members of the resident community. Trust was built over time, by seeing that others on the team were as good as their word and that they "had your back" when needed.

4. Flexibility and Risk-Taking

To make the project work, those most closely aligned with it found themselves stepping outside the bounds of how they usually did business. "Flexibility" was a word that came up frequently in the interviews. Team members were called upon to use personal judgment in deciding how to address individual situations as they arose. They were frequently required to go outside the norms of their own professions and found themselves in situations where they had to rely on wits, experience and practical judgment. They worked odd hours and needed to use discretion in setting boundaries and goals. Eventually, they identified strongly with other members of the team and, over time, seemed to develop a sense that they were on a mission together that transcended the norms of their agency or profession.

Some agencies supported their employees in this evolutionary process. For example, it appears that Clackamas County strongly supported the work of and discretion exercised by the case manager, assistant district attorney and other staff. In other cases, it appears that agencies did not fully understand the extent of their employee's efforts (Oregon State Police) or even challenged their involvement (Canby Center). In some cases, efforts were made to manage their time and limit their involvement. The strong level of trust among team members, the sense of shared mission and the commitment to the project appeared to enable individuals to persist despite a lack of institutional support in some instances.

Other agencies considering similar projects may want to consider the importance of selecting experienced staff with a strong sense of self to participate in a project such as this one. Agencies should provide these staff with an elevated level of flexibility while they work on this project. Not only will the demands on time and energy be great, but a high level of informed judgment will be required to navigate day-to-day challenges successfully. Finally, agencies should honor and celebrate the contributions and personal sacrifices made by staff.

5. Availability of Financial Resources

This project was short-term and resource-intensive during that period. In some cases, staff was able to shift priorities or work other hours and thus add this project to their existing workload. In the end, however, dedicated staff was required, and this cost money. The funds contributed from the state housing agency for case management were essential to the success of this project. Since the agency is not able to provide flexible funding for other projects like this on an ongoing basis, other projects that seek to replicate the successes of this one will need to fundraise from a variety of sources, including

local jurisdictions and businesses affected by the issue. It is unlikely that projects such as this one could be undertaken without some source of staff funding.

It was equally important that staff had access to flexible resources to do whatever was needed to help the Baldockeans move. Funds were needed on-the-spot for gas cards, the services of a mechanic, identification cards, food, campsites at a state park, application fees, photocopying, transportation, and a wide variety of other unexpected needs. It was critical that staff had access to a small cache (approximately \$6,000) of immediately available, highly flexible funds that were not encumbered by rules about eligible expenses or lengthy procurement procedures. Staff was able to account for these expenditures through proper documentation after-the-fact (receipts, etc.).

6. Approaches to Working with the Homeless Community: Respect and Trust Are Essential

Two important lessons in how to approach a homeless community surfaced in this case study, one pertaining to individuals and one pertaining to the community as a whole. First and foremost, it was important that everyone involved with the project showed respect for each individual living at the Baldock. They approached each resident as a unique individual who happened to be experiencing the condition of homelessness at this point in his or her life and not as “one of the homeless.” A case management approach enabled the social service agency representatives to unravel the complicated stories of each person, one by one, and help that person sort through options and set individualized goals. While there may have been a limited range of options, the case managers presented them to each person, and each person made his or her own choices. Honoring the right of an individual to choose his or her own future was an important part of demonstrating respect.

One case manager said that, in this project, she learned that “to build a relationship, you can’t build it by giving. You have to have them give in return.” Accepting help is a way of acknowledging the abilities of an individual and showing that you trust that person enough to accept his or her assistance.

This project benefitted from the involvement of a social services agency that had worked with the residents for more than a year and had built trust over time. The Canby Center was seen by the Baldockeans as being both a resource and an advocate for their interests. Several members of the Baldock Restoration Team said that the project would have taken much longer to complete if those relationships had not been in place. Indeed, it would have been difficult if the initial contact between social service staff and the Baldockeans had occurred around dislodging them from the only place that they felt safe.

The second lesson was best explained by one of the former residents who, when asked what advice he would provide to other agencies considering addressing similar problems, said to “work with the ephemeral structure in place.” The community had been there for seventeen years and had an advanced social structure. There were those who were respected and those who were less so. There were leaders as well as provocateurs. Social services and law enforcement learned how the community functioned and used this structure to disseminate information, build trust and coax people into trying new things.

7. The Project was Intense and Impactful

The project was intense and impactful for all involved. It represented a turning point in the lives of a number of the Baldockeans, from homelessness to stability, reconnection with family and, in some cases, employment. Among agency partners, many spoke of it as a highlight of their career. They

developed strong bonds with each other and, in some cases, with former Baldockeans. They seemed to have taken away life lessons that they incorporated into their current work.

The project was also draining. It required long hours, extreme focus and tense situations. It demanded a high level of performance from the professionals involved.

The take-away lesson from this point is that a project like this should not be entered into lightly. To be successful, it needs to be of a defined and limited duration so that the appropriate level of intensity can be maintained. All need to be mindful of the high level of impact it may have on the lives of those most involved, including both members of the homeless community and the partners involved. Staff who participate most intensely should be provided time to recover and renew themselves after the completion of the project.

The final lesson from this project has to do with institutional learning. The key individuals who were involved with this project now share new bonds of trust. They continue to stay in touch with each other. They are more likely to reach out to one another to problem solve on other issues. The array of potential approaches to new problems has been expanded because of the success of this one. Collaboration across institutional and professional boundaries is more likely to occur, thus bringing a new richness to the routine ways that business occurs. What individuals learned and experienced has been absorbed into the fabric of their agencies: this is how institutional learning occurs.

Conclusion

One of the questions that inevitably arises in the analysis of a single case study is how much of the success is replicable, and how much is dependent on the unique circumstances and individuals that were involved. While it is virtually impossible to tease this apart, it is possible to describe elements in the context that point to situations in which the lessons from this case study are likely to be the most relevant.

In this particular case, consensus was reached early about the most desirable outcome: to move the community as humanely as possible. There may be other situations in which the outcome is less well established, and other options might be possible. For example, had the homeless community revolved around gangs, violent crime and drugs, a response that relied more heavily on law enforcement would have been appropriate. Similarly, if the homeless encampment been on a remote piece of land, there may have been ways to accommodate it and make it safer rather than ending it.

In this case, the partners were able to take a few months to implement its strategy. While the work was intense and urgent, it was not an emergency. Partners could take time to build and strengthen relationships. The project would have taken much longer if it had lacked an agency partner who had a time-tested, respectful relationship with key people in the homeless community and a deep understanding of how the community functioned. Thus, agencies considering this kind of work should consider the importance of working with at least one partner that has a prior positive relationship with the resident community.

Future work will focus on identifying strategies that other agencies have used to address the presence of homeless individuals or communities on public rights-of-way and the contexts in which they have been most effective. These shorter case studies will be used to inform a best practices manual to help guide future policy and program development.

References

- Bartell, Liz. (2010, October 21). *The Baldock Project: A successful effort to assist chronically homeless individuals*. Oregon City, Oregon: Clackamas County Social Services.
- Gribskov, Cheryl. (n.d.) *Oregon Travel Information Council & Oregon Department of Transportation: Baldock restoration summary*. Salem, Oregon: Oregon Travel Information Council.
- Jensen, Thom. (2010, March 5). Dozens of people living at I-5 rest area. *KATU News*. Retrieved February 15, 2011, from <http://www.kval.com/news/86622087.html>
- Korn, Peter (2011, June 2). Offenders graduate to new lives. *Portland Tribune*. Retrieved February 27, 2012, from http://portlandtribune.com/news/story.php?story_id=130696674082598900
- Leo, Greg and Bill Stewart. (2011, May 24). Baldock turnaround: A problem rest area near Canby sees an amazing turnaround and bright future. [Opinion]. *Canby Herald*.
- Senate Bill 447, 76th Oregon Legislative Assembly—2011 Regular Session (enacted).
- Stewart, William. (n.d.).*The Baldock Restoration Project*. (PowerPoint Presentation). Oregon City, Oregon: Clackamas County District Attorney's Office.
- Te, Michelle. (2010, May 15). Baldock: A place of 'un' rest. *Canby Herald*. Retrieved October 27, 2011, from <http://www.canbyherald.com/news/2010/june/15/Local.news/baldock.a.place.of.un.rest/news.aspx>
- Te, Michelle. (2010, May 15). Shelter me: Two former Baldock Rest Area residents tell their story. *Canby Herald*. Retrieved October 27, 2011, from <http://www.canbyherald.com/news/2010/june/15/Local.news/shelter.me/news.aspx>
- Testa, Fred. (n.d.). *Oregon State Police: Baldock Restoration Project*. Salem, Oregon: Oregon State Police.
- Testa, Fred and Jim Bernard. (2011, July 3). Fixing Oregon's rest areas.[Guest Column].*Oregonian*.
- Tims, Dana. (2009, December 6). Oregon to use rest area to boost jobs, tourism. *OregonLive.com*. Retrieved April 6, 2011, from http://blog.oregonlive.com/clackamascounty_impact
- Warner, Ronell. (n.d.) *History of the strategy and implementation of addressing the homeless at the Baldock Park Rest Area*. Canby, Oregon: The Canby Center.
- Wolf, Robert V. (2007). *Principles of problem-solving justice*. New York: Center for Court Innovation.

Appendix 1

Baldock Restoration Team

Social Services Subcommittee Core Team Members

Canby Center	Ronell Warner
Clackamas County Social Services	Liz Bartell
Clackamas County Social Services	Linda Fisher
Oregon Housing and Community Services	Mary Carroll

Law Enforcement Strategy Core Team Members

Clackamas County District Attorney's Office	Bill Stewart
Oregon Department of Transportation	Karla Keller
Oregon State Police	Dan Swift
Oregon State Police	Fred Testa
Oregon Travel Information Council	Cheryl Gribskov

Facilitation Services

Clackamas County Domestic Resources Center	Amy Cleary
Clackamas County Domestic Resources Center	Cyndy Heisler

Additional Members

Canby Police Department	Bret Smith
Canby Police Department	Jorge Tro
City of Wilsonville	Peggy Watters
Clackamas County Homeless Council	Lynne Deshler
Clackamas County Public Health	Kathy Thompson
Clackamas County Sheriff	Nick Watt
Legal Aid Services of Oregon	Ron Rubino
Oregon Department of Transportation	Luci Moore
Oregon Department of Transportation	Don Jordon
Oregon Law Center	Monica Goracke
Oregon State Police	Jason Bledsoe
Oregon State Police	Luke Schwartz
Oregon Travel Information Council	Terry Hauck
Oregon Travel Information Council	Grant Christensen
Leo Co.	Greg Leo
Victory Group	Craig Campbell

Appendix 2

Chronology of The Baldock Restoration Project

1966	The 100-acre Baldock Rest Area is constructed as a part of the Oregon Interstate Highway System. Rest area is named for Robert “Sam” Baldock, the Chief Highway Engineer for Oregon from 1932 through 1956 and an innovator in highway design.
1975	Oregon Travel Information Council (OTIC) is created to manage highway signage in the wake of Lady Bird Johnson’s highway beautification program that resulted in the removal of billboards.
Approximately 1995 to 1998	Emergence of a steady presence of homeless individuals at the Baldock Rest Area.
Start date unknown	Various social service agencies provide services to people living at The Baldock. For example, St. Vincent de Paul provides weekly lunch, a Tualatin church youth group visits with residents and provides a hot breakfast on Saturday mornings, other church and social service groups provide assistance on an occasional basis.
Fall 2007	The Canby Center, an interdenominational faith-based social service organization, opens. First charge is to address the large number of homeless students in Canby School District. The Baldock Rest Area is inside the Canby School District, and a school bus makes regular stops there to pick up and drop off children. The Canby Center staff initiates contact and begins to build relationships with the people living at The Baldock.
Fall 2007 onward	Canby Center staff continues to build relationships with individuals and families living at the Baldock. Some Baldockeans utilize the laundry, computer facilities, clothing bank, the Dental Van, emergency food, blankets and other goods and services at the Canby Center.
February 2008	Canby Center facilitates the relocation of a family from Baldock Rest Area.
Winter 2009	An arctic air mass causes temperatures to drop, precipitating a crisis at The Baldock. Most families sleep at the Canby Center for a few days. The Canby Center delivers propane, hand warmers and other supplies to those who stay at The Baldock.
March 2009	Clackamas County Homeless Council conducts homeless point-in-time count and determines that 109 individuals are living at The Baldock on a Saturday night in March 2009.
May 2009	State Senate and State General Assembly both approve HB 2001, which authorizes Oregon Department of Transportation (ODOT) to enter into an agreement with OTIC for management of five rest areas, including the Baldock Rest Area. Approved bill signed into law by the Governor on July 29, 2009, with an effective date of September 28, 2009.
Summer 2009	Population at The Baldock doubles during summer season. “Families would pool their food resources and have community barbeques. On a warm Sunday afternoon in July 2009, the back parking lot of the Baldock resembled a summer vacationing spot.” [Warner, n.d.] Canby Center

	nearly overwhelmed by the level of need.
Summer 2009	In response to increasing incidents of disorderly conduct and fighting, Oregon State Police begins stricter enforcement of no-camping rule. Canby Center helps families and individuals relocate to no-fee campsites in Molalla mountains, but they return after two weeks due to lack of access to amenities and panhandling opportunities.
Summer 2009	Oregon State Police approaches with ODOT the idea of adopting an exclusion rule (as an Oregon Administrative Rule). Exclusion rules allow law enforcement to exclude offenders from an identified public area, such as a rest area, for a specified period of time. If the offender returns, he/she could be arrested for trespassing. No action taken by ODOT on an exclusion rule at this time.
Summer 2009	Word starts to spread among Baldockeans of the future transition of The Baldock to management by the Oregon Travel Information Council.
Summer/Fall 2009	Four individuals from The Baldock move into permanent housing provided through HUD grant to the Canby Center. Canby Center staff continues to form friendships with Baldockeans and provide assistance.
Summer/Fall 2009	OTIC organizes a coalition of community leaders to establish a vision for the Baldock Rest Area based on its potential for stimulating and supporting economic activity in the surrounding area. During those meetings, concerns about the presence of a long-standing homeless encampment arise. Addressing the issue becomes a priority for OTIC.
Fall 2009	One person living at The Baldock writes and distributes a letter asking for help because he has heard that the community will be displaced when OTIC takes over.
January 1, 2010	Management of five rest areas transfers to OTIC. OTIC representatives go out to the Baldock Rest Area with vats of hot chocolate to meet the people living there and hear their concerns.
February 7, 2010	Oregon Travel Information Council convenes a short-lived Rest Area Crime and Homeless Task Force. Meeting ends inconclusively. (28-member list)
Mid-February 2010	Clackamas County Social Services staff, Canby Center staff, Clackamas County District Attorney's Office staff and local law enforcement staff attend a two-day community policing/problem-solving community justice seminar and develop a push/pull plan: the pull of housing options and needed services combined with the push of citations, arrest, impounding of vehicles and diversion of criminal cases to Clackamas County Community Court, where offenders can be offered the opportunity to take alternative measures (treatment, etc.) in lieu of serving jail time.
March 2, 2010	Oregon Travel Information Council convenes the Baldock Restoration Team. (30 member list, 14 of whom were also on Rest Area Crime and Homeless Task Force.) The group agrees to a two-pronged approach of intensive case management combined with stepped-up enforcement measures, including development of amendments to Oregon Administrative Rules applying to rest areas. Members form two subcommittees and get to work.
March 8, 2010	The Canby Center hosts a Listening Luncheon for Baldockeans at the Bethany Church in Canby. Hot showers and haircuts are provided before

	lunch. Baldockeans also provided an opportunity to voice their concerns about changes. Members of the Baldock Restoration Team explain that the no-camping rule will be enforced and that they will have to move permanently. Information about access to services also provided.
March 17, 2010	Law Enforcement Strategy Subcommittee of Baldock Restoration Team meets to develop first draft of proposed changes to Oregon Administrative Rules.
March 22, 2010	Social Services Subcommittee of Baldock Restoration Team meets and decides on how to implement strategy of assisting Baldockeans with moving. Canby Center has undertaken substantial outreach with the resident population and presents an overview of the kinds of needs that residents have. Thirty-five individuals have asked for assistance with relocating, some of whom have chronic addiction issues. A small group wants to continue living in their campers and needs a place to park them legally. Oregon Housing and Community Services commits funding to assist with case management and other expenses to be incurred in the project. Group plans to meet again April 1, immediately prior to full Team meeting.
April 1, 2010	Second meeting of the Baldock Restoration Team. Each subcommittee reports progress made. Oregon Law Center and Legal Aid Services provide feedback on concerns about aspects of the proposed administrative rules, and they agree to work with the Clackamas County District Attorney, ODOT and OTIC on developing a final version, to be adopted on a temporary basis on April 26.
April 2010	Clackamas County Social Services staff joins Canby Center staff in meeting individually with Baldockeans to develop plans. Eight Baldockeans enroll in a tenant readiness program to help them prepare to move into housing. This program also provides up to \$800 for moving expenses and a \$1,000 damage guarantee for landlords who rent to graduates. A wide range of individualized services are provided to residents, from obtaining social security cards, linking with mental health services, getting drivers' licenses reinstated, reconnecting with relatives, qualifying for SSI or SSD, applying for subsidized housing and/or housing vouchers and repairing vehicles. Only one person indicates an unwillingness to move.
April 29, 2010	Third meeting of the Baldock Restoration Team. Each subcommittee reports on progress made. Law Enforcement Strategy Subcommittee reports that temporary rules have been adopted that permit Class B violation citations. Social Services Committee reports on their work with residents and the resources available to assist with the move, including gas cards, mechanics and volunteers to assist with traffic and transportation on Moving Day, if needed.
April 30, 2010	Moving Day. A well-planned exodus of the remaining resident population nearly falls into disarray as state police from the Salem District start issuing citations, riling the Baldockeans, who had come to trust the members of the Baldock Restoration Team. State Police from the Clackamas County District intervene, and no more citations are issued. The remaining individuals temporarily move to nearby state park for the weekend, and

	staff from the Canby Center and Clackamas County Social Services continue to work with them to find suitable long-term living accommodations.
May 1, 2010	New temporary Oregon Administrative Rules are in place, permitting enforcement. Oregon State Police and rest area staff work cooperatively with former residents who attempt to comply with rules and are in the process of moving on permanently.
Spring 2010	OTIC staff at the Baldock Rest Area begin informing truckers, visitors and others about the new rules. Maintenance and improvements to enhance the appearance of the Rest Area take place.
Summer 2010	The longstanding community is gone. A few of the former chronically homeless population stay for brief periods of time. Some shadow people continue to come and go, living in compliance with the new rules. Prostitution continues to be a problem at night.
May 1 – September 30, 2010	OTIC pays for 229 hours of additional patrol coverage of the Baldock Rest Area by Oregon State Police to help prevent crime and to discourage the development of a new group of occupants. As of August 1, the State Police designate the Baldock Rest Area a Tactical Zone, which means that state troopers who have discretionary time are directed to patrol the site.
May 1 – October 31, 2010	Oregon State Police calls for service at the Baldock Rest Area are less than half the number that they were during the same time period in 2009.
October 13, 2010	Baldock Restoration Team meets. Each subcommittee presents reports. A decision is made to produce a written report of the project, with each agency developing its own account. Members of the Team will be making presentations in various venues, locally and to industry groups,
January 19, 2011	Final meeting of the Baldock Restoration Team. Discussion focuses on presentations made, positive feedback received, and the production of a final report.

Appendix 3

Rest Area Rules Effective May 1, 2010

Oregon Administrative Rules
DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION

DIVISION 30: REST AREAS

Text to be added in **bold**

Text to be deleted in *[italics]*

734-030-0005

Definitions

[For the purpose of these regulations] **The following definitions apply to** OAR 734-030-0005 through 734-030-0025:*[the term “rest area”]*

(1) “Rest Area” includes safety rest areas, scenic overlooks and similar roadside areas which are under the jurisdiction of the Department of Transportation. **Other than when issuing “free coffee” permits under OAR 734-030-0025, when a rest area is sited on both sides of the highway, the two sides will be considered a single rest area.**

(2) “Rest Area Attendant” means a Department of Transportation employee or contractor working in or responsible for the rest area; or for rest areas listed in Chapter 865, section 32, 2009 laws, a Travel Information Council employee or contractor working in or responsible for the rest area.

(3) “Visitor” means a person within the rest area who is not a Department of Transportation or Travel Information Council employee, law enforcement officer or a Rest Area Attendant.

Stat. Auth.: ORS 184.616, 184.619, 366.205, 374, 377, 390 & 815

Stats. Implemented: ORS 810.030

734-030-0010

Prohibited Activities

[The] **To preserve state property and increase health and safety in rest areas, the** following activities are prohibited **by visitors to** *[in]* a rest area:

(1) Lighting a fire *[except at locations where fireplaces are provided]*.

(2) Picking, *[up or]* removing, **or damaging** plant life or forest products.

(3) Hunting, **trapping, or injuring** birds or animals *[or discharging firearms]*.

(4) Discharging a firearm, bow and arrow, or other weapon or discharging fireworks, explosives, or other similar devices.

[(4)](5) Mutilating, defacing, damaging or removing any **property**, structure or facility.

[(5)](6) Digging up, defacing, or removing any dirt, stone, rock, or other natural substance.

[(6)](7) Operating a concession or selling merchandise, **food**, or services, except for a permitted “free coffee” service, public telephones, or articles dispensed by vending machines pursuant to an agreement with the Department of Transportation, **or Travel Information Council for the rest areas listed in Chapter 865, section 32, 2009 laws.**

(8) Blocking access to the restroom by other visitors.

(9) Smoking or carrying a lighted cigar, cigarette, pipe or other smoking implement, in a restroom building or within 20 feet of a restroom building in the rest area.

[(7)](10) Operating a motor vehicle in any area not constructed or designed for motor vehicles. Parking a motor vehicle[s] outside the designated parking area[s] **or parking in violation of any posted parking regulation.**

[(8)](11) Allowing a pet to run loose. Allowing a pet on a leash, except a guide animal, in any area except designated pet areas. Allowing a pet, except a guide animal, in any building. Allowing livestock to run at large **or to be in any area except in designated pet or livestock areas.**

(12) Placing a poster, flyer, sign or other marker in or on any utility pole, sign post, building or other facility in a rest area

[(9)](13) Depositing **garbage, recyclables, or** refuse of any kind except in designated containers.

[(10)](14) Dumping, spilling or allowing to leak any sewage, [or] waste water, **or other substance** from the vehicle.

[(11)](15) Using restroom facilities to bathe, **or** wash clothing, dishes or other materials.

[(13)](16) Setting up a tent or other structure, camping, or remaining in a rest area for more than 12 hours within any 24-hour period.

[(12)](17) Participating in a [*public demonstration*,] disturbance, or riotous or other behavior which interferes with the reasonable use of the rest area by other rest area visitors.

(18) Obstructing, harassing or interfering with a Department of Transportation or Travel Information Council employee or Rest Area Attendant in the performance of their duties in the rest area.

[(14)](19) Creating noise by any means which interferes with the reasonable use of the rest area by other rest area visitors.

Stat. Auth.: ORS 184.616, 184.619 & 366.205

Stats. Implemented: ORS 164.805, 374.305, 377.030 & 810.030

734-030-0015

Compliance

(1) To preserve state property and increase health and safety in rest areas, a Department of Transportation or Travel Information Council employee, law enforcement officer, or the [The rest area attendant] Rest Area Attendant working in a [in charge of any] rest area is authorized to require compliance with these regulations and is authorized to order any person violating these regulations to leave the rest area. Failure to leave the rest area when so ordered is citable by a law enforcement officer as a violation of these rules.

(2) In addition to any other penalty prescribed by law, failure to comply with OAR 734-030-0005 through 734-030-0015 governing health and safety in a rest area may result in a Class B violation. Upon receipt of a citation the person must leave the rest area immediately.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 390

Stats. Implemented: ORS 810.030

734-030-0020

Notice

Notice of conduct consistent with OAR 734-030-0005 through 734-030-0015 shall be posted in each rest area.

Stat. Auth.: ORS 184.616, 184.619, 366 & 390

Stats. Implemented: ORS 810.030

APPENDIX B
SURVEY RESULTS

TRANSPORTATION AGENCY AND HOMELESSNESS

SURVEY RESULTS

This report compares the results of two online surveys, referred to here as the “DOT Survey” and “Rest Area Manager Survey,” that were developed as part of a broader study on homeless encampments on public land and rights-of-way. Both surveys were intended to collect information about the experiences of state transportation agency staff with homeless populations. However, the sample size of respondents for both surveys was not large enough to run analysis with any statistical significance. Thus this report will provide a summary of responses, noting general trends and peculiarities, and is not intended to draw broader conclusions.

Methodology

The DOT Survey was targeted to state Department of Transportation (DOT) staff. The survey link was initially sent to the research director at the Oregon Department of Transportation, who had agreed to forward it to research directors at other state DOTs. They, in turn, were given instruction to forward the survey to any other staff at their DOT that deal with homeless encampments or individuals on a regular basis.

The Rest Area Manager Survey was targeted at staff who worked at or with highway rest areas. That survey link was initially sent to the Chief Rules and Policy advisor at the Oregon Travel Experience, who had agreed to forward it to rest area managers in other states. They, in turn, were given instruction to forward the survey to any other staff at their DOT that deal with homeless encampments or individuals on a regular basis.

Overall, the two surveys were very similar. The main difference in questioning was that the Rest Area Manager Survey posed questions about the kind of agency the respondent worked for, how many rest areas they managed, and the nature of homeless populations they dealt with (day/night/both, seasonal/year round, etc). See Appendix 1 for a list of survey questions.

Survey Results

Respondents

We received 30 responses to the DOT Survey and 39 to the Rest Area Managers Survey, for a total of 69. As was expected, the roles and responsibilities of respondents differed between the two surveys. The 25 respondents who completed the DOT Survey all worked for State DOTs and included research directors, engineers, maintenance staff and supervisors, highway directors, and bridge area managers, with experience ranging from 1 to 41 years. Of the 39 Rest Area Manager Survey respondents, 25 (64%) worked for state DOTs, and 3 for other State agencies. The rest did not indicate what kind of agency they worked for. These respondents included

facilities managers and coordinators, program administrators, maintenance supervisors, architects and landscape architects, engineers, and superintendents, with experience ranging from 1 to 26 years.

There was a geographical difference in where respondents for the two surveys worked. DOT Survey respondents represented 13 states plus British Columbia, with heavy representation from the Midwest and East Coast and very little from the West and South. The 39 Rest Area Manager Survey respondents were from 16 different states, and those states were more geographically diverse than the DOT Survey respondents. In total, 25 US states and the Canadian province of British Columbia were represented in the two surveys' results (see Table 1 below).

Table 1. Survey Respondents by State

State/Other	# DOT Survey Respondents	# Rest Area Manager Survey Respondents*	Total Respondents
Arkansas	1		1
British Columbia	3		3
California		9	9
Colorado	2		2
Idaho		1	1
Illinois	2		2
Iowa	1	1	2
Kentucky		3	3
Louisiana		2	2
Maryland		1	1
Michigan	5		5
Minnesota		1	1
Mississippi		1	1
Montana	3		3
North Carolina		1	1
Oregon		1	1
Pennsylvania	1		1
South Carolina	1		1
South Dakota		1	1
Tennessee		1	1
Texas		1	1
Utah	1	1	2
Vermont	1		1
Washington		1	1
West Virginia	1		1
Wisconsin		1	1
Unknown*	9	12	21
Total	30	39	69

Defining the Problem

The first questions of both surveys were designed to provide an overview of the extent to which homeless encampments are a concern to DOTs, and to describe the challenges they create. The results of the two surveys were strikingly different, with the responses of the Rest Area Manager Survey less conclusive than the DOT Survey. Responses are summarized below.

Table 2. Respondents' experience with homeless encampments, by State

State	Number of respondents that said their agency did have issues	Number of respondents that said their agency <u>did not</u> have issues	Number of respondents that said they did not know if their agency had issues
Arkansas	1		
California	5	3	1
Colorado	2		
Idaho		1	
Illinois	2		
Iowa	1	1	
Kentucky*	3		
Louisiana	2		
Maryland	1		
Massachusetts	2	1	
Michigan	5		
Minnesota*	1		
Mississippi		1	
Montana	3		
North Carolina*	1		
Oregon	1		
Pennsylvania	1		
South Carolina	1		
South Dakota		1	
Tennessee		1	
Texas		1	
Utah			2
Vermont	1		
Washington	1		
West Virginia	1		
Wisconsin		1	
British Columbia	3		
Unknown	10	3	3
Total Responses	48	13	5

* Respondent clarified that they have issues with homeless individuals, not permanent encampments

In all, 48 respondents (70%) reported that they or others at their agency had encountered homeless encampments. For DOT Survey respondents the share was higher at 77% (23 of the 30). Of those 23, 21 (91%) reported encountering homeless encampments a few times a year or more, with 11 (48%) encountering them a few times per month or more. More than half of the respondents (19) agreed with the following statement: “My agency considers homeless encampments on DOT rights-of-way to be an operational challenge.” None disagreed with the statement.

In comparison, 23 of the 39 respondents to the Rest Area Manager Survey, or 59% reported that they or others in their department had dealt with homeless encampments in the rest areas they manage. Eleven respondents, or 28% said they do not deal with homeless people, and the other five (13%) said they do not know. Only eight of 25 respondents (32%) agreed with the statement “My agency considers homeless encampments in rest areas to be an operational challenge,” while six (24%) disagreed (five of the six reported not having encountered homeless encampments).

Though responses to these two surveys appear very different, they are not completely inconsistent. When asked on the DOT Survey where their department or agency had deal with homeless encampments, only 25% of the DOT survey respondents reported rest areas. The most frequent response was the sides of roads or highways (17 respondents, or 74%), followed by vacant or unused land (13 responses or 57%). Ten respondents (43%) wrote in that their agency encountered homeless under bridges.

Though there is no clear geographic trend as to where in the country homelessness is more of an issue at rest areas, the states that reported homeless encampments at rest areas tend to have milder climates. See Table 3 for a breakdown by state.

Table 3. Respondents’ experience with homeless encampments at rest areas, by state.

State/Other	DOT Survey	Rest Area Manager Survey
British Columbia	X	
California		X
Illinois	X	
Iowa	X	
Kentucky		X
Louisiana		X
Maryland		X
Minnesota		X
Montana	X	
North Carolina		X
Oregon		X
Washington		X
West Virginia	X	

Both surveys asked respondents what kinds of problems the homeless pose for the agency. For the DOT Survey, the largest share of respondents (16) made some reference to safety or health issues. Of these, six noted fires specifically as a concern, five mentioned drugs and/or needles, and five made reference to damaged public property. Thirteen respondents noted trash (litter, garbage, debris) or cleanup as a problem.

Responses from the Rest Area Manager Survey were much more varied. Of the 16 respondents who answered the question, only four mentioned health/sanitation or safety. Much higher were mentions of panhandling and vehicle issues and/or the homeless living in their cars (seven responses each). Six respondents talked about the homeless disrupting activities or generating complaints from visitors/the public, and five mentioned vandalism, increased trash or aesthetic issues.

One potential issue with these results has to do with the use of the term “homeless *encampment*” in certain questions but not others. In the results from the Rest Area Manager Survey, this term was specifically commented on a number of times in different questions: Three of the 16 respondents who reported that their agency deals with homelessness in their rest areas clarified that they did not have *encampments*, or did not consider them *encampments*. In addition, 14 (88%) reported that homelessness was “mainly a night time use,” with only one person responding to each of the other options of “mainly day-time use” and “permanent/24 hour encampment.” For more detailed information on these responses, see Appendix 2.

Both surveys use the terms “homeless *populations*” and “homeless *encampments*” interchangeably in the questions, but it is clear that they mean different things to our respondents. The likely reason that this was not an issue on the DOT Survey is that almost all respondents said their DOT had experienced homeless encampments somewhere, while only ¼ had at rest areas.

Evaluating Strategies

The next set of survey questions were related to potential strategies for addressing the challenges associated with homeless encampments. When asked about the effectiveness of certain strategies, results were fairly similar between the two surveys. Of the 40 respondents from both surveys who answered this question, almost all (38) reported having called police or other law enforcement. Most of these (33) said it was usually or sometimes effective, compared to five who said it was never effective.

The next most effective approach for both survey respondents was to “partner with social services or homeless advocacy groups,” which about half of the respondents (21 of 40) reported as usually or sometimes effective, and none reported as never effective. The only other approach which received some significant support was “posting eviction notices and evicting

within a certain time frame.” Fourteen respondents reported that this was either usually or sometimes effective compared to five that said it was never effective.

Table 4. Approaches Identified as Usually or Sometimes Effective by Survey Respondents

Approach	# of DOT Survey Respondents	# of Rest Area Manager Survey Respondents	Total
Call police or other law enforcement	20	13	33
Partner with social services or homeless advocacy groups	14	7	21
Post eviction notices, and evict within a certain time frame	9	5	14
Work with a non-profit, or other organization or agency to develop new shelter facilities	6	2	8
Allow homeless individuals to remain on the land, but in compliance with legal rules	4	4	8
Other	4	2	6

The other response options received mixed results, with little support as effective options: six respondents reported that “Working with a non-profit to develop new shelter facilities” was sometimes effective, while four respondents found it to be never effective. However, two did find it to be usually effective. Similarly, eight respondents reported that to “allow homeless individuals to remain on the land, but in compliance with legal rules” was sometimes effective, while six found it to never be effective and none reported in as usually effective.

Our surveys also addressed the question of staff training. In all, less than 15% of respondents reported having received training: One DOT survey respondent (a maintenance engineer) and nine Rest Area Manager respondents¹. When asked to describe the nature of the training they had received, responses varied. In-house training, clean up and hazard training, and policy memos, directives, or safety manuals were the most common (three each). One person responded more specifically about being taught “verbal judo.” The DOT Survey respondent did not describe the training received.

¹ Seven of the nine Rest Area Manager respondents worked in California, which shows a potential geographic bias to the results.

From our survey responses, it appears that rest area managers are also less interested in training than DOT staff overall. While two-thirds of the DOT survey respondents who hadn't received training thought it was needed (16 out of 24), fewer than half of the Rest Area Manager Survey respondents thought so (9 out of 22). This may be because rest area managers do not deal with the homeless as frequently as DOTs do overall, as was discussed earlier.

The surveys also asked respondents what kind of training would be useful. Rest Area Manager Survey respondents mentioned “verbal judo,” the rights of the transients, who to notify, how to discourage the homeless, disposition of transients' property, and training for maintenance/janitorial staff.

Responses to the DOT Survey were much more detailed, though similar to the Rest Area Managers Survey. The four most common types of responses were laws, policies, plans or procedures (seven responses)²; who to reach out to, and how best to do that (five responses); how best to approach and interact with the homeless themselves (five responses); and how to safely remove the homeless and any hazardous waste or materials associated with the encampment (four responses). Two of the respondents differentiated between training for management (law/policies and public outreach or partnerships) and training for maintenance or clean-up staff.

In addition, three of the respondents expressed the need for agency or department-level policies and procedures. Only one respondent implied that their already agency had such an approach, with the following comment:

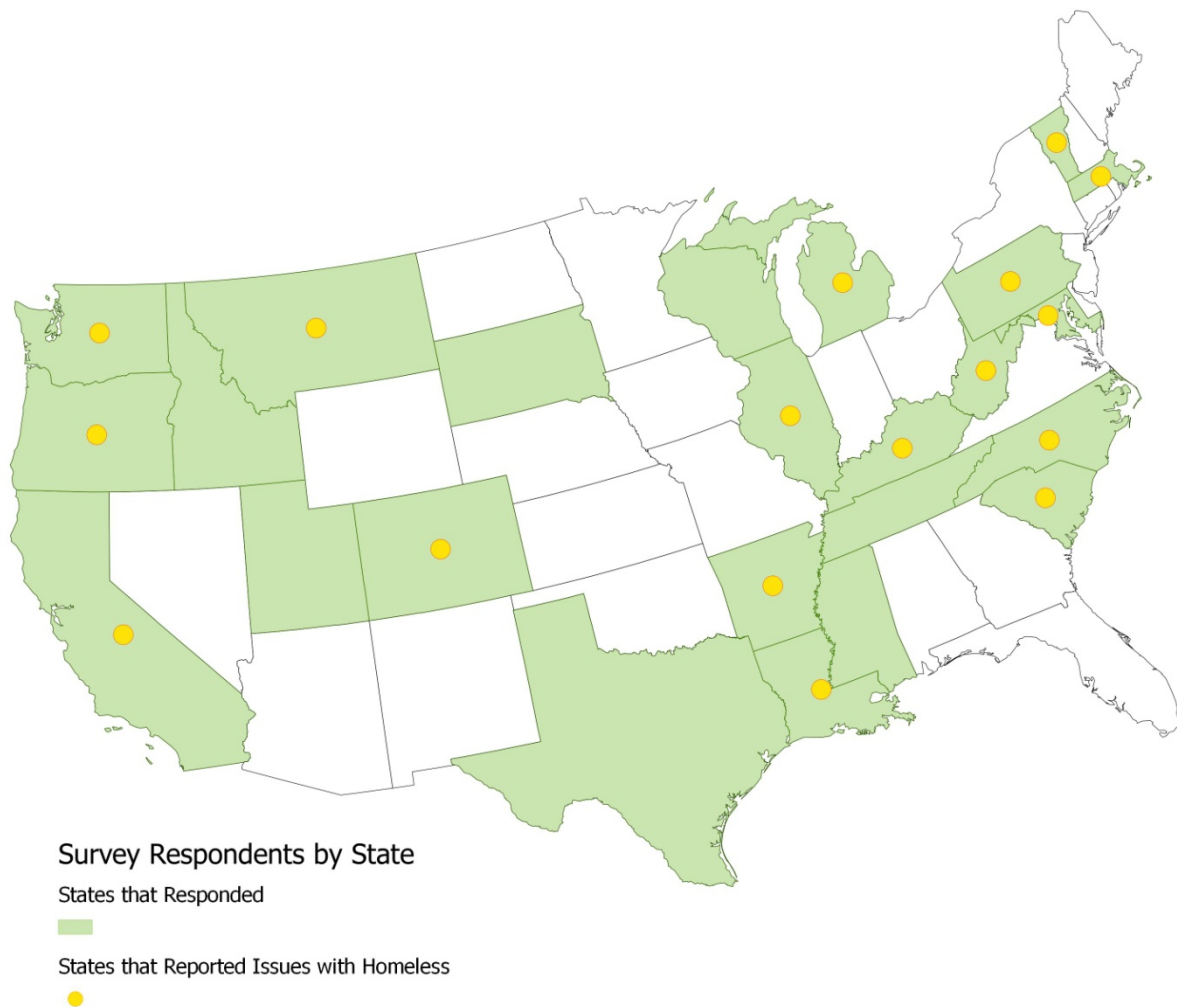
“...a comprehensive approach is more effective. Combining various approaches into one plan has proven to be more effective than taking only one approach. Example, a comprehensive plan could include, the development of a landscape plan to modify the site to prevent re-occurrence combined with partnering with a nearby homeless shelter or advocacy group and police in order to accomplish a more compassionate removal of the homeless encampment. Safety training is also necessary to ensure the health and safety of those charged with clean-up and restoration activities.”

The final line of questioning in the survey was designed to get a sense of how receptive transportation agencies might be to increased involvement by agency staff in dealing with the homeless. The responses show a potential willingness to partner, though not to lead efforts. In total 32 respondents (of 49 who answered the question) agreed that if other agencies took the lead, their DOT could be a partner in addressing homelessness. This attitude was much more prevalent amongst DOT Survey respondents (20 of 24 who responded agreed, compared to 12 of 25 Rest Area Manager respondents). Nearly equal number of respondents agreed and disagreed that their DOT could take a lead role on this (17 and 16, respectively), with responses being fairly equal between the two surveys.

² Two of the respondents mentioned knowledge of trespass law specifically, and one mentioned relocation laws.

Summary and Conclusion

The responses to both the DOT and Rest Area Manager surveys reflect the opinions and experiences of only a select number of individuals, and are not to be interpreted as being generalizable to all state DOTs and rest area managers. However, there is enough consistency and geographic diversity in the responses to infer that homeless encampments are a concern for transportation agencies across the country, as nearly three-quarters (70%) of respondents reported dealing with the homeless, and 40% consider the homeless an operational challenge for their state DOT.



It also appears that, in general, most state DOT staff do not receive training on dealing with the homeless. This share appears higher for Rest Area staff, who receive training in the form of safety and hazard clean-up, but it is still far from the majority. And approximately half of our total respondents thought training was needed, though the share was significantly higher for state DOT staff than for rest area staff.

Through our broader literature search, it is clear that the implications and challenges of homeless populations for DOTs are under-represented in both practice-oriented and academic literature. Research exists on individual-level methods of outreach to the homeless, directed largely to social services workers, and there is an abundance of research on long-term approaches to shelter and rehabilitation for homeless individuals. But there is little that bridges these two levels of research or provides information to non-social service public agencies that still deal with homeless encampments and individuals as part of their regular procedures. The exception to this trend is law enforcement. The US Department of Justice and the Center for Problem-Oriented Policing have developed guides on topics including homeless camps and “illicit activities” in public places.

Homelessness is a “wicked” problem, that is, one without a clear solution, and it is becoming increasingly visible and complex. Traditional methods for dealing with the homeless (such as calling the police, a tactic used by nearly three-quarters of our survey respondents) may succeed in removing the homeless individuals, but do little to keep them from moving elsewhere, or to help them transition out of homelessness. Our results show that DOTs are trying creative approaches, as nearly a third of respondents have partnered with social service agencies or local shelters, with a fair amount of success.

As a backdrop to our research is renewed attention at the federal level to environmental justice and the impacts of agency procedures on low-income and minority populations. Though rarely discussed, homeless populations should be covered by these federal protections, as their welfare is negatively impacted by forced removal during activities such as state DOT maintenance procedures.

Our research seeks to provide education and training to those state DOT staff and maintenance workers who deal with homeless encampments as a regular part of their work. Such training is important to the safety of those employees and of the public. But it is also important to the individuals experiencing homelessness, who may have serious physical or mental health issues, and often have nowhere else to exist. Homelessness is a broader social concern than is typically admitted in public discourse; effectively addressing that concern requires broader and collaborative approaches.

Appendix 1. Survey Questions

DOT Survey

OREGON TRANSPORTATION RESEARCH EDUCATION CONSORTIUM

SURVEY ON HOMELESS ENCAMPMENTS

Intro & Consent

You are invited to participate in a research study conducted by Dr. Ellen Bassett and Dr. Andrée Tremoulet from Portland State University School of Urban Studies and Planning. As part of a research project funded by the Oregon Department of Transportation and the Oregon Transportation Research Education Consortium, we want to learn about issues surrounding homeless encampments on public rights-of-way encountered by state transportation agencies nationally.

This brief online survey will take approximately ten minutes to complete. Responses are confidential; by that we mean that responses will be presented in aggregated form and the identities of participants will not be divulged.

Your participation is totally voluntary. If you choose to participate, your responses will help further knowledge about best practices nationally on how transportation agencies address this complex social condition.

Indicating that you want to participate does not waive any legal claims, rights or remedies. You may withdraw this consent at any time without penalty.

If you have any concerns about your participation or your rights as a research subject, please contact the Human Subjects Research Review Committee, Office of Research and Sponsored Projects (RSP), PO Box 751, Portland State University, (503) 725-4288/1-877-480-4400. If you have questions about the study itself, contact Dr. Ellen Bassett at the School of Urban Studies and Planning (SUSP), PO Box 751, Portland OR 97207, (503)-725-5174, bassette@pdx.edu.

1. Do you wish to participate?

- Yes
- No

Experience with Homeless Encampments

2. Have you, or others in your department, dealt with homeless encampments on DOT rights-of-way?

- Yes
- No
- Don't know

3. Where has your department encountered homeless encampments?
(Please select all that apply)

- Side of roads or highways
- Rest stops or rest areas
- Maintenance facilities
- Vacant or unused land
- Other

4. How frequently does your department encounter homeless encampments?

(Please select one response)

- Frequently (a few times per month or more)
- Occasionally (a few times per year)
- Almost never
- Don't know

5. What kinds of problems do homeless encampments pose for your agency?

6. Evaluate the effectiveness of the following strategies in addressing homeless encampments.

(If your agency has not used a particular strategy, please select "Don't Use" for that option.)

	Usually Effective	Sometimes Effective	Never Effective	Don't Use	Don't Know
Call police or other law enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Post eviction notices, and evict within a certain time frame	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow homeless individuals to remain on the land, but in compliance with legal rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Partner with social services or homeless advocacy groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work with a non-profit, or other organization or agency to develop new shelter facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. What agency(ies) or organization(s) has your department partnered with in dealing with homeless populations?

(Please type your response in the box below)

8. How frequently do you engage these agencies or organizations?

- Frequently (a few times per month or more)
- Occasionally (a few times per year)
- Almost never
- Don't know

9. Have you received any training through your employer on how to deal with homeless populations?

- Yes
- No

10. Who conducted this training?

(Please type your response in the box below)

11. Do you think training is needed?

- Yes
- No

12. What kind of training would be useful?

Opinions/Reactions

13. For each of the following statements, please select the option that best describes your experience.

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
My agency considers homeless encampments on DOT rights-of-way to be an operational challenge.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My agency supports staff involvement in social issues like homelessness that affect DOT operations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

My agency has a history of collaboration with other agencies on non-transportation issues.

My agency can take a lead role in addressing homelessness on DOT land.

If other agencies lead, my DOT can be a partner in addressing homelessness.

Personal Information

Finally, we have just a few questions about you.

14. What State do you work for?

15. What is your position/title?

16. What are your main responsibilities?

17. How many years have you worked in this or a similar position?

(Please type a number, and round up or down as necessary)

We appreciate your time in responding to this survey.

18. As part of our broader research on homeless encampments on land owner by DOTs, we are looking for volunteers to talk in more depth about their experiences with this population. Would you be willing to participate in a phone interview?

- Yes
- No

19. Please provide your contact information below. Your name and information will be kept separate from your survey responses.

- Name
- E-mail address
- Phone number
- Other

Please click on the "Next" arrow below to submit your survey responses. If you have any further questions about the study itself, please contact Dr. Ellen Bassett at the School of Urban Studies and Planning, (503)-725-5174, or bassette@pdx.edu.

Homeless Encampments Survey – Rest Area Managers

You are invited to participate in a research study conducted by Dr. Ellen Bassett and Dr. Andrée Tremoulet from Portland State University School of Urban Studies and Planning. As part of a research project funded by the Oregon Department of Transportation and the Oregon Transportation Research Education Consortium, we want to learn about issues surrounding homelessness in rest areas.

This brief online survey will take approximately ten minutes to complete. Responses are confidential; by that we mean that responses will be presented in aggregated form and the identities of participants will not be divulged.

Your participation is totally voluntary. If you choose to participate, your responses will help further knowledge about best practices nationally on how transportation agencies address this complex social condition.

Indicating that you want to participate does not waive any legal claims, rights or remedies. You may withdraw this consent at any time without penalty.

If you have any concerns about your participation or your rights as a research subject, please contact the Human Subjects Research Review Committee, Office of Research and Sponsored Projects (RSP), PO Box 751, Portland State University, (503) 725-4288/1-877-480-4400. If you have questions about the study itself, contact Dr. Ellen Bassett at the School of Urban Studies and Planning (SUSP), PO Box 751, Portland OR 97207, (503)-725-5174, bassette@pdx.edu.

Do you wish to participate?

- Yes
- No

Have you, or others in your agency, dealt with homelessness in rest areas that you manage?

- Yes
- No
- Don't know

How many rest areas does your agency manage?

How many of these rest areas have had issues with homelessness?

What is the nature of homelessness in your rest area(s)?

- Permanent/24-hour encampment
- Mainly night-time use
- Mainly day-time use

When is homelessness an issue in your rest area(s)?

- Year-round
- Seasonally
- Sporadically

What kinds of problems do homeless encampments pose for your agency?

Evaluate the effectiveness of the following strategies in addressing homeless encampments.

(If your agency has not used a particular strategy, please select "Don't Use" for that option.)

	Usually Effective	Sometimes Effective	Never Effective	Don't Use	Don't Know
Call police or other law enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Post eviction notices, and evict within a certain time frame	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow homeless individuals to remain on the land, but in compliance with legal rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Partner with social services or homeless advocacy groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work with a non-profit, or other organization or agency to develop new shelter facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What other agency(ies) or organization(s) has your agency partnered with in dealing with homeless populations?
(Please type your response in the box below)

How frequently do you engage these agencies or organizations?

- Frequently (a few times per month or more)
- Occasionally (a few times per year)
- Almost never
- Don't know

Have you received any training through your employer on how to deal with homeless populations?

- Yes
- No

Who conducted this training?

(Please type your response in the box below)

Do you think training is needed?

- Yes
- No

What kind of training would be useful?

For each of the following statements, please select the option that best describes your experience.

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
My agency considers homeless encampments in rest areas to be an operational challenge.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My agency supports staff involvement in social issues like homelessness that affect agency operations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My agency can take a lead role in addressing homelessness in rest areas.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If other agencies lead, my agency can be a partner in addressing homelessness.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What kind of agency or organization do you work for?

- Tourism non-profit
- Economic development non-profit
- Private business
- State Department of Transportation
- Other State agency
- Other

Please describe your agency.

Finally, we have just a few questions about you.

What State do you work in?

What is your position/title?

What are your main responsibilities?

How many years have you worked in this or a similar position?

(Please type a number, and round up or down as necessary)

We appreciate your time in responding to this survey.

As part of our broader research on homelessness in rest areas, we are also looking to talk with people in more depth about their experiences with this population. Would you be willing to participate in a phone interview?

- Yes
- No

Please provide your contact information below. Your name and information will be kept separate from your survey responses.

- Name
 - E-mail address
 - Phone number
 - Other
-

Please click on the "Next" arrow below to submit your survey responses. If you have any further questions about the study itself, please contact Dr. Ellen Bassett at the School of Urban Studies and Planning, (503)-725-5174, or bassette@pdx.edu.

Appendix 2. Rest Area Manager Additional Survey Results

Rest Area Manager Survey respondents were asked to enumerate the number of rest areas they manage as well as the number of areas experiencing homelessness. Sixteen respondents answered this question. The number of rest areas managed ranged from 1 to 87, and the share of those experiencing homeless populations ranged from 6% to 100%. Those who responded 100% were in California and Kentucky, with additional responses of 50% or more in Louisiana and Maryland. Those with responses under 10% were Minnesota and Washington, and a third respondent who did not record their state. See Table 1 for a summary by state.

Table 1. Extent of homeless populations in rest areas, by state

What State do you work in?	How many rest areas does your agency manage?	How many of these rest areas have had issues with homelessness?	%
CA	1	1	100%
	87	"I would imagine at some point in the year there is a homeless issue in 80% of the rest stops"	80%
	3	3	100%
	3	1	33%
	2	2	100%
Kentucky	24	24	100%
	2	2	100%
	4	4	100%
Louisiana	9	2	22%
	20	11	55%
Maryland	4	2	50%
Minnesota	54	3	6%
North Carolina	60	"not a lot, more transient homelessness than permanent"	N/A
Oregon	5	2	40%
Washington	48	4	8%
	43	1	2%

When asked about the nature of homelessness in their rest areas, 14 of those respondents (88%) reported “mainly night time use,” with only one person responding to each of the other options of “mainly day-time use” and “permanent/24 hour encampment.” The permanent/24 hour respondent works in California, and the day-time use respondent did not record their state. Half of those respondents (8 of the 16) reported that homelessness was an issue year-round, while 7 respondents (44%) reported that the issue was sporadic. Only one (6%) reported the issues as seasonal.

Table 2. Frequency of issues with homelessness in rest areas, by state

What State do you work in?	When is homelessness an issue in your rest area(s)?		
	Year-round	Seasonally	Sporadically
CA	4		1
Kentucky			3
Louisiana		1	1
Maryland	1		
Minnesota			1
North Carolina			1
Oregon	1		
Washington	1		
Unknown	1		
Total	8	1	7

APPENDIX C

HOMELESS ENCAMPMENTS ON PUBLIC RIGHT-OF-WAY

A PLANNING AND BEST PRACTICES GUIDE



HOMELESS ENCAMPMENTS ON PUBLIC RIGHT-OF-WAY

A PLANNING AND BEST PRACTICES GUIDE

Andrée Tremoulet, Ph.D.
Ellen Bassett, Ph.D.
Allison Moe, MURP

Center for Urban Studies
Portland State University
September 2012

ACKNOWLEDGEMENTS

This project was funded in part by the Oregon Transportation Research and Education Consortium (OTREC).



DISCLAIMER

The contents of this report reflect the views of the authors, who are solely responsible for the facts and the accuracy of the material and information presented herein. This document is disseminated under the sponsorship of the U.S. Department of Transportation University Transportation Centers Program in the interest of information exchange. The U.S. Government assumes no liability for the contents or use thereof. The contents do not necessarily reflect the official views of the U.S. Government. This report does not constitute a standard, specification, or regulation.

Photo Credits

On the covers: Christina Elston, Photographer. The Detailed Life. <http://thedetailedlifeblog.com/>. ©Commonworks Consulting
All remaining photos purchased from iStockphoto LP

Homeless Encampments on Public Right-of-Way: A Planning and Best Practices Guide

Primary Investigator: Ellen Bassett, Ph.D.

Co-Primary Investigator: Andrée Tremoulet, Ph.D.

Research Assistant: Allison Moe, MURP

Center for Urban Studies

Portland State University

Post Office Box 751

Portland, Oregon 97207-0751

503.725.4045

Campus Address: 320 Urban Center, 506 Mill Street, Portland OR 97201



(This page left intentionally blank)

TABLE OF CONTENTS

Chapter 1. Understanding the Challenge of Homelessness and Public Land	1
A Brief Primer: Who Is Experiencing Homelessness in the US Today?	
An Overview of This Guide and How to Use It	
Chapter 2. Responding to a Problem in Your Area	9
Assessing the Urgency of a Response	
Identifying Partners and Convening a Work Group	
Choosing Your Strategy	
Chapter 3. Creating A Policy Framework For Your State	29
Scanning the Situation	
Establishing a Statewide Advisory Committee	
Analyzing the Situation	
Developing Alternative Strategies	
Creating a Plan for Your Agency	
Assessing your Approach	
Conclusion	
References	
Appendix A. Consideration of Homeless Populations in Federal Environmental Justice Requirements	40
Appendix B. Resources for State DOT Staff Working with Homeless Populations	46
Appendix C. Altering the Physical Environment	48
Appendix D. Using Trespass Law to Discourage Homeless Encampments	49
Appendix E. Codes of Conduct for Homeless Encampments	50
Appendix F. Leases, Contracts and Agreements for Establishing Homeless Encampments	52
Appendix G. A Brief Overview of the Constitutional Rights of the Homeless	54

(This page left intentionally blank)

CHAPTER 1

UNDERSTANDING THE CHALLENGE OF HOMELESSNESS AND PUBLIC LAND

Homelessness is a societal problem. Its causes are complex, and its effects have implications for many public agencies, including those not directly responsible for providing assistance to homeless individuals. Because homeless people constantly seek safe shelter and refuges, agencies that own public land and buildings sometimes find themselves in contact with this population.

Nationally, the impact of homelessness appears to represent a substantial operational challenge for state transportation agencies and Departments of Transportation (DOTs). Two online surveys—one of state DOT managers and supervisors and the other of public sector managers of highway rest areas (DOT and other state agency staff)—conducted in 2012 found that 76% of the 24 states and one Canadian province with staff that responded reported issues with homeless encampments or individuals on rights-of-way or rest areas (Bassett, Tremoulet & Moe, 2012).

Homeless individuals and their encampments can raise a number of concerns for DOT managers and other staff. They include:

- Safety, including that of motorists and other users of state DOT facilities, state agency personnel and homeless individuals themselves.
- Damage to public structures, land and landscaping.

- Debris and unsanitary conditions, including an accumulation of hazardous waste that is costly to remove.
- Displacement of intended users and uses with behavior that disrupts the activities for which the site was originally developed.
- Theft of supplies and equipment.
- Public relations concerns and unwanted media attention.
- Political concerns.

Although a surprising number of state agencies report that they have to deal with impacts of homelessness on their right-of-way and facilities, there is little guidance on how to address this issue. Preliminary research indicates that very few transportation agencies have systematically examined the extent and nature of the problem in their state, developed

What you'll learn about in this chapter:

- The Challenge of Homelessness and Public Land
- Who is Experiencing Homelessness in the US Today
- An Overview of this Guide and How to Use It

THIS GUIDE PRESENTS A PROBLEM-SOLVING APPROACH . . . BASED IN PART ON THE PRINCIPLES OF PROBLEM-ORIENTED POLICING.

strategies for addressing it, or provided training or assistance to the line staff who encounter the problem on a routine basis. While the problem already costs agencies staff time and other resources, current responses tend to be ad-hoc rather than systematic. Furthermore, there is little evidence to suggest that DOTs are routinely enlisting the help and resources of other entities besides law enforcement to address the problem. In recognition of these issues, this guide presents strategies and tools for agency policymakers, managers, supervisors and others to address the impacts of homelessness on public right-of-way.

Besides making good management sense, there is another reason for state transportation agencies to plan how to address the impacts of homelessness.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, directs federal agencies to “avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on... low income populations” (1994). Executive Order 12898 was issued in 1994, during the Clinton administration. But in August 2011, federal agencies signed a new Memorandum of Understanding confirming the importance of continuing to address environmental justice concerns as described in Executive Order 12898, and the US Department of Transportation (US DOT) was among the signatories. The US DOT issued *Final DOT Environmental Justice Order 5610.2(a)* on May 2, 2012. Additional information and resources on this topic are available in Appendix A.

State Departments of Transportation That Experience Issues with the Homeless



This guide presents a problem-solving approach to addressing the impacts of homeless populations public on right-of-way based in part on the principles of problem-oriented policing (Braga, 2008; Goldstein, 1990). It involves enlisting the support and help of partners, each with different areas of expertise. It also involves framing the problem in a different way. It is based on the premise that the most effective way to deal with the impacts of homelessness on right-of-way in the long term is by combining the “push” provided by law enforcement agencies and the criminal justice system with the “pull” provided by social service and housing providers who can help homeless individuals reassess their options and move on with their lives. It involves forming long-term working relationships and building trust among collaborators, who can thus be called upon to coordinate and innovate as incidents and issues surface.

A Brief Primer: Who Is Experiencing Homelessness in the US Today?

Homelessness is a condition; it does not define who a person is. For the vast majority of individuals experiencing homelessness, the condition is transitory and related to a temporary setback in their lives, such as the loss of a job or a divorce. For others, the condition is a lasting state, either occurring frequently or existing continuously. While there have been numerous definitions of homelessness promulgated by various agencies over time, essentially a person is considered homeless when he or she lacks a permanent place to live. Thus, people who live in their cars, on the street, in an abandoned building, in short-term shelters or in transitional housing are considered homeless.

The US Department of Housing and Urban Development's Point-In-Time homeless count conducted in January 2011 indicated that there were approximately 636,000 people experiencing homelessness in the US, or 21 per 10,000 people in the general population (National Alliance to End Homelessness & Homelessness Research Institute, 2012). Of these, approximately 17% were considered to be experiencing chronic homelessness.

The US Department of Housing and Urban Development defines the condition of chronic homelessness as having these characteristics: living alone, the presence of a disabling condition (mental or physical), and either continuous homelessness for at least a year or at least four episodes of homelessness in the last

Key Sub-Populations Experiencing Homelessness

Chronically Homeless Individuals: Underlying the homelessness of this population is another chronic condition: a persistent physical or mental disability. Chronically homeless individuals are either in and out of homelessness on a frequent basis or they experience homelessness as a long-term condition. This population is typically the public face of homelessness. While less than a fifth of the total homeless population, they utilize a majority of the homeless assistance system's resources.

Veterans: War-related problems, including physical disabilities, mental anguish, and post-traumatic stress, make it hard for some veterans to readjust to civilian life. As a result, some lapse into unsafe behaviors, including addiction, abuse, and violence. The combination of war-related problems and resulting behaviors can create a path to homelessness. Some prevention measures, such as job placement services, medical and mental health services and housing assistance, have been proven effective at mitigating the likelihood that veterans with war-related problems will experience homelessness.

Homeless Families: In most cases, some unforeseen economic crisis—a death or divorce, a job loss, a medical emergency—sends a family into homelessness. Most are able to quickly recover and only require short-term or one-time assistance. Typical services include rent assistance, housing placement and job assistance.

Unaccompanied Youth: Family conflict, including divorce, neglect or abuse, is the primary cause of homelessness among young people. Most return home or to family and friends and thus only experience short-term homelessness. A small minority – an estimated 50,000 youth nationally – experience long-term homelessness.

Source: National Alliance to End Homelessness, http://www.endhomelessness.org/section/about_homelessness/snapshot_of_homelessness

A Snapshot of Who Was Experiencing Homelessness in January 2011		
	Count	Percent
Homeless persons in the US	636,017	100%
Chronically homeless persons	107,148	17%
Homeless veterans	67,495	11%
Homeless persons in families	236,181	37%
Homeless individuals (not in families)	399,836	63%

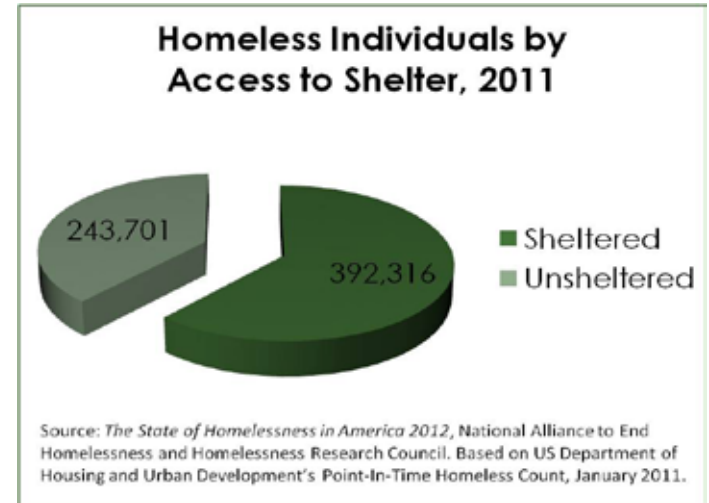
Source: *The State of Homelessness in America 2012*, National Alliance to End Homelessness and Homelessness Research Council. Based on US Department of Housing and Urban Development's Point-In-Time Homeless Count, January 2011

three years. Thus, the stereotypical image of a homeless person—a single person, typically with mental illness—is by far the exception rather than the rule because only one in six homeless individuals in the US is experiencing chronic homelessness.

Approximately 38% of homeless people were without shelter when the Point-In-Time homeless count occurred in 2011. Some of these unsheltered homeless individuals and families lived in encampments. The remaining 62% had some kind of short-term shelter for the evening or lived in transitional housing.

Metropolitan Areas with Highest Rates of Homelessness Ranking Based on 100 Most Populous MSAs		
Rank	Area	Homeless Persons per 10,000 Residents
1	Tampa-St. Petersburg-Clearwater, FL	57
2	New Orleans-Metairie-Kenner, LA	56
3	Fresno, CA	56
4	Las Vegas-Paradise, NV	50
5	Honolulu, HI	47

Source: *The State of Homelessness in America 2012*, National Alliance to End Homelessness and Homelessness Research Council. Based on US Department of Housing and Urban Development's Point-In-Time Homeless Count, January 2011



It is extremely difficult to produce an accurate count of the number of people experiencing homelessness at any one time. Part of the challenge arises from the fact that there are many different definitions of who is homeless; for example, the US Department of Housing and Urban Development and the US Department of Education have different definitions. Another part of the difficulty arises from the fact that many homeless people hide their condition or hide their location, and thus go undetected. Finally, there are wide variations in how thoroughly jurisdictions conduct the "street count," which typically involves finding volunteers willing to approach homeless individuals living on the street or in out-of-the-way camps in the evening, when they are settling down for the night. Thus, these figures should be regarded as estimates that likely represent undercounts of the actual population.

There are a number of societal and individual conditions that can combine to result in sending an individual into a homeless situation. A shortage of living wage jobs and a lack of affordable housing are key economic factors affecting the incidence of homelessness. The lack of decent, safe housing alternatives for adults experiencing mental illness is another. Certain populations in transition, such as children aging out of foster care or people leaving incarceration, are particularly vulnerable to experiencing homelessness. Young people who experience violence or severe dysfunction in their home environments may end up on the street. The challenges associated with returning to a civilian life after experiencing the ravages of war present another factor that can send people into homelessness.

Advocates for the homeless encourage the public to think of people experiencing homelessness not as a monolithic population, but instead, as a diverse group of individuals. The condition of homelessness does not fully define who a person is any more than having a home defines the remainder of the population. Not having a home, however, does place a significant amount of stress on a person's mental and physical health and sense of wellbeing. Maintaining personal safety is an ongoing challenge. Many have no place to keep their possessions—even their identification papers—safe. Imagine trying to hold down a job or attend school while homeless—a number of people do. Some are ashamed of their condition, see it as temporary, and work hard to keep up appearances so that they are more accepted in society. They may live in their vehicles and thus have a place to stay out of the elements and store possessions. Others have fewer resources at their disposal and are more likely to slip into chronic homelessness.

Contrary to common belief, most people experiencing homelessness are not mentally ill or dangerous. They are simply people without housing. As a result, they rely heavily on public buildings and spaces—libraries, parks, bridges, underpasses—for shelter. In your own community, local social service agencies and the criminal justice system are valuable sources of information for understanding the issues. Not only will they know about homeless populations (and perhaps the names and stories of some of the chronically homeless individuals you see frequently), they will also know what resources are already available to serve them.



Photo credit: © Jumay Designs, <http://www.iStockphoto.com>

THE CONDITION OF HOMELESSNESS DOES NOT FULLY DEFINE WHO A PERSON IS ANY MORE THAN HAVING A HOME DEFINES THE REST OF THE POPULATION.

An Overview of This Guide and How to Use It

This guide is written for state transportation agency managers and supervisors responsible for setting policy and overseeing staff who maintain or inspect rights-of-way. These line staff members are the ones most likely to encounter homeless individuals or their camps as part of their routine jobs. While

written expressly for state DOT staff, this guide may be useful to staff from other public agencies (e.g., local public works departments, state or local parks departments) whose primary mission does not include providing housing or services to homeless individuals but who may encounter homeless populations in the course of conducting business.

The approach outlined in this guide is distilled from lessons learned from state DOTs and other public agencies that have responded effectively to situations in their own communities. It is not a precise science; this approach requires individuals with authority to exercise their best professional judgment in responding to situations. This guide is intended to equip decision makers with the information and tools they need to make the best choices possible.

The following six principles guide this problem-solving approach:

1. Homelessness is a societal issue with complex causes and effects that spill over and affect many different sectors, including transportation agencies, hospitals, the criminal justice system, nearby businesses, etc.
2. One of the most effective ways to address the issue is through a problem-solving approach that involves partners in both social service and law enforcement agencies (push/pull approach).
3. Moving homeless individuals from one site to the next through the use of law enforcement and physical barriers alone is costly, doesn't solve the problem and tends to generate hostility and further desperation among those being moved.

4. Line employees in the field should not be expected to deal with homeless camps and individuals unaided. Higher-level management needs to get involved.
5. Every situation is unique. There is no one-size-fits-all strategy that works in every context. Thus, transportation agency managers need to be empowered and equipped with skills, information and flexibility that enable them to craft a solution that works for their situation. The level of effort invested in developing a response should fit the nature and scope of the issue being addressed.
6. The problem did not arise overnight, and it will not disappear overnight. That is why building ongoing relationships with partners is so important.



Photo credit: © TA Craft Photography,
<http://www.iStockphoto.com>

Chapter 2 provides a guide on how to assess and respond to a particular problem in your area. It provides a step-by-step approach to assist with understanding the situation, identifying potential partners, evaluating potential strategies and crafting a response that meets the unique demands of the problem that you are facing. It is written with the understanding that situations involving different populations with different needs are likely to call for different kinds of responses. This chapter also includes four brief profiles of actual cases and how agencies responded.

Chapter 3 describes how to develop an overall agency policy dealing with homeless encampments on right-of-way. It is premised on the notion that managers and supervisors need both latitude to craft responses that fit unique situations and also some guidelines and underlying structure backed by resources so that they can move forward expeditiously with the confidence that they have overall agency support.

The appendices provide additional information and resources to assist with planning and implementation.



Photo credit: © Kevin Russ, <http://www.iStockphoto.com>

Agencies need to be cognizant of state and local policies and laws that may affect their ability to engage in a problem-solving approach. Thirty states prohibit the use of gas tax revenue for purposes other than road construction and maintenance (Puentes & Prince, 2005). There appear to be widely differing interpretations of what constitutes road construction and maintenance among these states. For example, in one state, a public dispute regarding the use of state gas tax fund revenue led to the promulgation of a set of prescriptive guidelines that significantly limits how agency personnel funded solely through gas tax revenues can interact with human service agencies. Thus, it is important for agencies to understand whether similar limitations are in effect in their state.

(This page left intentionally blank)

CHAPTER 2

RESPONDING TO A PROBLEM IN YOUR AREA

The scope of homeless camps on right-of-way can range from a single person living in an abandoned vehicle to a homeless community of more than a hundred people. The duration can range from a single night to a community that is so longstanding that a bus routinely picks up kids for school.

Preliminary research has found that right-of-way near urban areas tend to have larger camps, and rural areas are more likely to have occasional isolated individuals or families. Typically, cold-weather states have smaller populations (except in urban areas) or only occasional seasonal issues compared to warm weather states, which may have more of an ongoing problem. The local political environment, including the presence or absence of assistance and the degree to which a locality criminalizes activities in which homeless people typically engage (such as sleeping in parks or sitting on public sidewalks) may also affect the size and character of the homeless population in your area. The scope of your response should correspond to the nature and magnitude of the issue you are addressing in your area.

In most cases, the employees who encounter homeless people are either line staff from maintenance crews or professionals who spend a significant amount of time in the field, such as bridge inspectors or rest area managers. Preliminary research suggests that most transportation agencies do not offer train-

ing on how to deal with such situations safely to these staff. One bridge inspector reported entering a bridge support and discovering that a homeless man was living inside, in darkness. While they startled each other, the man was not dangerous, and the situation was resolved without incident.¹

Let's say that members of a state DOT maintenance crew encounter a section of right-of-way that has been transformed into a camp for homeless individuals, and the DOT does not have a policy in place for how to respond. What typically happens?

Some transportation agencies have a standard response for all situations: call the police, remove the people, and clear the site. If homeless individuals are not present at the time the site is cleared, the agency may dispose of all of their possessions. However, one issue with this approach is that what may appear to be trash—random papers, photographs, letters, a smelly sleeping bag, a worn pair of shoes—may be all

1. Details of the examples cited in this section have been changed to protect the confidentiality of the sources.

What you'll learn about in this chapter:

- Assessing the Urgency of a Response
- Identifying Partners and Convening a Work Group
- Choosing your Response Strategy

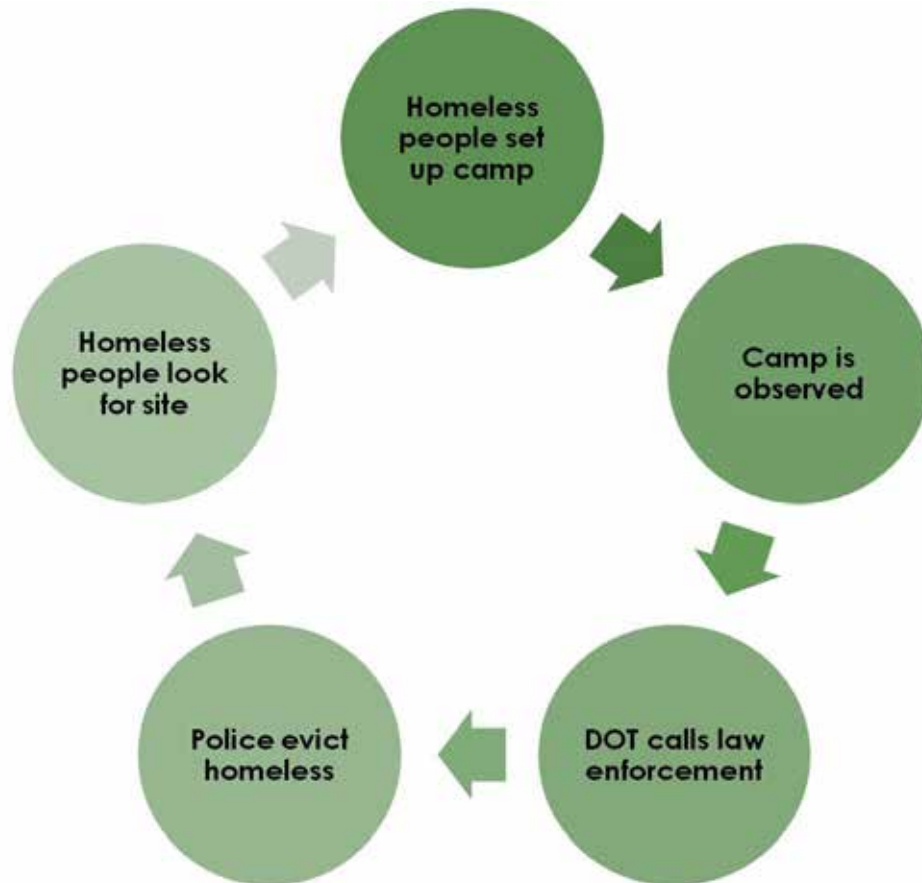
that an individual has to connect to his identity and protect himself from the challenges of day-to-day life without a home. In some communities, advocates for the homeless have successfully brought suit against public agencies (including at least one state DOT) for disposing of the possessions of homeless individuals. In 2008, the City of Fresno settled such a lawsuit for \$2.35 million (Onishi, 2012).

Another problem with this kind of clearance-only approach is that homeless individuals are likely to

come back (either the same people or others) once the enforcement push is over. Chain-link fences may keep people out of a particular location for a time, but such improvements and their maintenance may be costly, and people are likely to move on to the next available unsecured piece of right-of-way in the area. In some cases, fences simply do not work, and people find a way to return to the site.

Occasionally, homeless people who believe that they have been treated unfairly may retaliate against the authority figures whom they view as making their lives more difficult. Further damage to the site or potential harm to agency staff may result. One employee reported encountering a site that had been “booby-trapped” by a frustrated homeless vet, who had placed shards of broken glass smeared with excrement around his camp.

If “call the police and clear the site” is not the optimal response to every situation, what are the alternatives? This guide recommends examining each situation independently and assessing what needs to be done on a case-by-case basis. While it does not call for transportation personnel to become social workers or experts on homeless issues, it does recommend partnering with agencies that have people with those skills and expertise. And it encourages staff to try to see the situation through the eyes of someone who has no private place to live and simply needs a place to do the things that most people do in the privacy of their homes. While a particular segment of public right-of-way may not be an appropriate place for homeless individuals to set up camp, how you approach the situation can make a significant difference in how and whether the situation is ultimately resolved.



Steps in a Problem-Solving Approach

If you have a simmering nuisance and you have the time to get to the heart of the problem and develop a solution that does more than move homeless people from one site to the next, then you may want to consider the **SARA Process** developed by Ronald Clarke and John Eck as a problem-solving approach for community policing (Clarke & Eck, 2005). SARA stands for Scanning, Analysis, Response and Assessment, four steps taken in sequence to ensure that your final choice for an intervention is grounded in a thorough analysis of the underlying conditions that are giving rise to the situation.

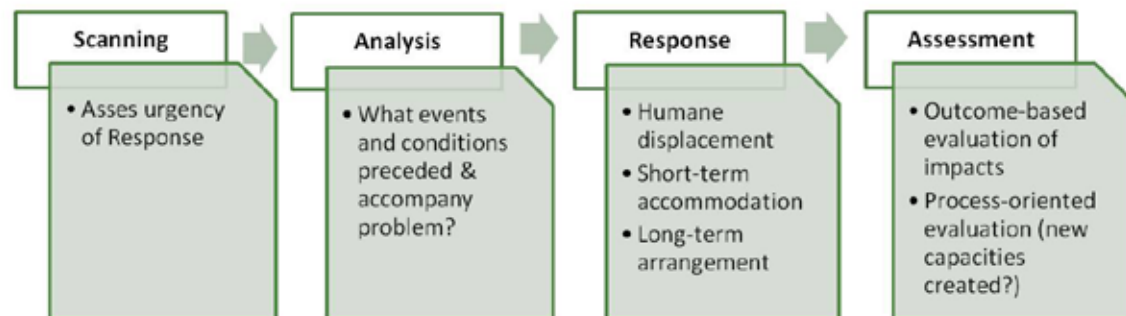
The first step, **Scanning**, involves determining the nature and extent of the problem. For a homeless encampment, it includes identifying whether there is a critical safety issue that needs to be addressed immediately or whether you have more time to craft a response.

Analysis refers to “identifying and understanding events and conditions that precede and accompany the problem” (Center for Problem-Oriented Policing, n.d.). In the case of a homeless encampment, it is likely to occur in particular places at particular times for identifiable reasons. It will involve a bit of detective work to figure out what those reasons are. A particular site may be chosen because of its location; it may be near a transportation center or a good place to panhandle. The site may offer amenities such as dense brush, shelter from prevailing winds in the winter or the availability of potable water in the summer. If the homeless community is well organized and is seeking to make a statement about the right to shelter, a site may be chosen for its visibility or symbolic value. Negative changes in the local economy (such as a plant closing) may give rise

to larger numbers of homeless individuals, thus overwhelming existing social services and setting the stage for a spike in the population of homeless families and individuals. The closure of a shelter or service program may also result in the formation of a homeless encampment where none had occurred previously. Your research may lead you to formulate a hypothesis (which you can “test”) about why the camp formed. Identifying the primary factors leading to the camp’s formation will help you develop a better long-term solution.

Response refers to the process of deciding what outcomes are preferred, generating ideas for interventions, evaluating them and selecting one for implementation. It also involves developing a plan and timeline for action and deciding who will assume responsibilities for specific elements. The desired outcomes and response selected should reflect what you have learned about the causes of the homeless camp from your analysis.

Assessment refers to evaluating the outcomes of your intervention and the process you used to achieve them.



Assessing the Urgency of a Response

One of the first things to consider is how quickly to respond to the presence of a homeless population on DOT right-of-way. In terms of immediacy, there are two principal kinds of situations:

1. Acute public endangerment: A condition exists that poses an immediate threat to the health and safety of motorists, homeless individuals, agency workers or the general public. The situation may have reached the attention of the media or local political leaders. Immediate action is needed.
2. Simmering nuisance: A site has provided refuge for homeless people over a significant amount of time. It may take the form of an ongoing camp, where people form an ad-hoc community, or it may function as a way-station that different people use on a short-term basis. Although no one is in immediate danger, damage is occurring and a determination has been made that the situation should be addressed over time. Sometimes a precipitating event, such as a complaint by a neighboring business, may spur action.

In the case of acute public endangerment, immediate action is needed to restore safety. You may find it useful to work with a homeless services agency to extend at least short-term options for shelter as well as with law enforcement to ensure that people move from the site. One option (besides immediate eviction) is to develop a short-term strategy to move people from the dangerous situation to an interim camping site that is safer while a long-term solution is found. Regardless of the course of action, your primary focus

in this scenario is on quickly reducing the risks to the health and safety of everyone involved in as humane a way as possible.

In the case of a simmering nuisance, you are likely to have more time to develop a solution. You can more thoroughly scope out the problem, form partnerships with social service and law enforcement agencies, analyze events and conditions that precipitated the encampment, consider alternative interventions, and then choose and implement one. A longer lead time before implementation also gives social services and housing agencies more time to develop rapport with the people living at the site and provide them with time to consider and choose an option.

In either case, some initial questions to consider are:

- Who is living there? Are any children or other very vulnerable people involved? What needs to be done to protect them? Are they dangerous to themselves or anyone else?
- Is serious criminal activity likely to be a factor? Local law enforcement agencies may have information germane to this question.



Photo credit: © Kevin Russ, <http://www.iStockphoto.com>

If the answer is yes to any of these questions, then it is essential that the appropriate agencies (e.g., mental health, law enforcement) be involved as quickly as possible. Here are some additional questions to consider:

- How large is the group? What, if anything, is known about them?
- How long have they been there? What times of day are they most likely to be there?
- What kind of settlement has been built? How elaborate is it?
- What impact will relocation have on the residents individually? If there is an established community, what impact will the loss of community have on the individuals?
- Are there sanitation issues with the site? If so, who is being impacted by those issues?
- Are any organizations currently involved in providing assistance (e.g., food, transportation, medical assistance or clothing) to the residents? What information or assistance might they be able to provide your agency? Do the residents seem to trust them? Could they help with introductions?
- Why have they chosen this site as a location to camp? Is there something about the place or nearby uses that makes the location attractive?
- Who is being impacted by the presence of homeless people on this site? How are they being impacted? What issues have they raised? The answers to these questions may help determine what strategies you need to consider.
- Does there appear to be a leader or spokesperson among the group?

Unless you are faced with a situation involving acute public endangerment, it is usually best to try and get as much information at first from observation and talking with others familiar with the situation. In most cases, homeless people are not trying to create a visible or disturbing presence on public land; it is usually in their best interest to be as invisible as possible. If they have been homeless for a while, they may expect authority figures to force them to move immediately.

If you want to break the cycle of repeated evictions and subsequent returns, it is important to communicate a sense of understanding and respect—to begin to establish a sense of trust—when you first make contact. By doing so, you are telegraphing that you are different from the other authority figures with whom they have come in contact and that an outcome different from the cycle of eviction and return is possible.

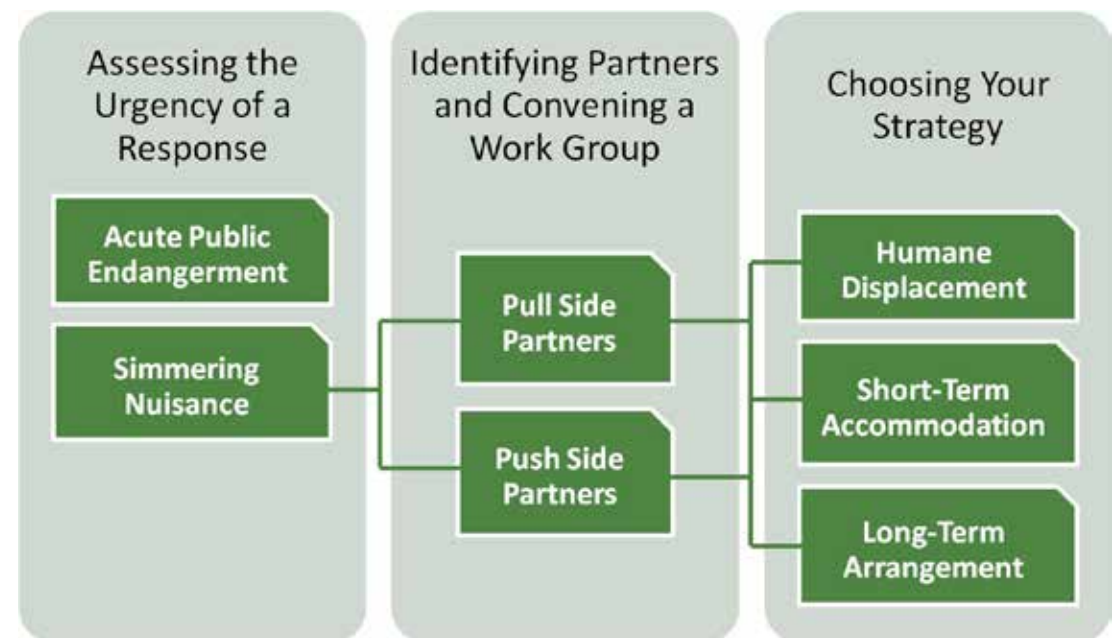




Photo credit: © track5, <http://www.iStockphoto.com>

Identifying Partners and Convening a Work Group

If you decide that you have a simmering nuisance and can take a problem-solving approach based on the SARA Process described earlier, start with convening a work group. It is usually best to include a wide range of stakeholders at the outset because each represents a potential new resource to problem-solve, provide resources and help address the problem.

Consider including interests that may resist your efforts if they are not involved; sometimes the best strategy to help get their “buy-in” is to include them in the process rather than providing them with a de facto platform to criticize from the outside. In many cases, a smaller and more efficient core group of individuals—often less than half a dozen people—emerges from an initial meeting and becomes the real muscle behind moving forward. As you make progress, the more peripheral stakeholders may contribute sporadically but not be involved at every stage of process.

In identifying members for your work group, start by scanning your agency for internal partners who might be able to help with this issue. First, find out if any other managers have dealt with a problem like the one you are facing and who, if anyone, they turned to for help. Depending on your particular situation and agency structure, internal partners may include:

- Maintenance supervisors and staff.
- Right-of-way staff, who may be helpful in identifying alternative short-term or long-term sites for relocation.
- Legal staff, in case new rules need to be written and promulgated to deal with the situation.
- Public information staff, if the problem is a major, visible one and you anticipate that there will be media coverage or interaction with nearby land owners.
- Managers who can provide access to funds to assist with moving and clean-up costs.

External partners of two kinds are needed: those who have access to resources that can *pull* people toward a healthier living situation, and those who have the authority to *push* people to move (if needed) and create meaningful consequences if they do not. You may also find it helpful to involve additional partners who can bring other resources to bear.

Potential Pull Side Partners

- Organizations and agencies that specifically provide services to homeless individuals, including shelter providers, outreach workers, food and clothing providers.
- Advocacy groups for and by homeless people.

- Local social services groups that provide assistance to low income individuals, including governmental agencies (e.g., a local department of human services), nonprofit organizations, Community Action agencies and faith-based organizations. Within these agencies, both outreach staff and those who help qualify individuals for benefits can be of assistance.
- Housing nonprofits and agencies, including Housing Authorities.
- Agencies and nonprofits that provide mental health and substance abuse services.
- Veterans' organizations.
- Faith-based organizations and places of worship with a ministry involving the homeless.
- EMT and other emergency services.

If you are unfamiliar with local agencies providing services to the homeless, a good place to start is with the Continuum of Care. More than 450



Photo credit: © amphotora images,
<http://www.iStockphoto.com>

cities, towns, rural areas and states have a Continuum of Care Plan that describes the local system for coordinating services, shelter and housing for homeless families and individuals, and will list agencies and the resources that they provide (National Alliance to End Homelessness, 2010). Additional information about Continuum of Care Plans can be found in Appendix B. While the Continuum of Care Plan will give you the lay of the land in terms of agencies and services, in many places the demand for assistance exceeds the supply. Nevertheless, it is a good place to start.

Potential Push Side Partners

- Law enforcement, including state and local police.
- District attorneys.
- Legal advocates for the homeless, such as Legal Aid (to ensure that the rights of homeless individuals are respected; they are not typically advocates of “pushing” homeless people from an existing camp).

In some locations, law enforcement personnel and mental health or homeless outreach workers form Homeless Outreach Teams to deal with chronically homeless individuals who might be a danger to themselves or others. District attorneys, particularly ones focused on addressing “quality of life” issues, can be helpful in developing rules to address or prevent an ongoing problem. In developing these rules, some agencies have found it useful to collaborate with attorneys that promote the interests of homeless individuals and ensure that they are dealt with fairly. Involving groups such as Legal Aid up front can prevent court challenges down the road.

Additional Partners

- Local elected officials or their staff
- Businesses and residents affected by the camp
- Local business associations and other groups with an interest in resolving the problem
- The media

Depending on the scope and visibility of the encampment, you may want to consider involving local elected officials, as they can be powerful proponents of whatever strategy is selected. Involving affected parties, such as nearby businesses or residents, is a way of providing them with assurance that steps are being taken to resolve the problem. While it is unlikely that you will want to involve the media in the core planning group, including them in the larger group from the outset may make it easier to work with them as the effort progresses.

If you are convening people from different sectors with different organizational cultures who have not worked together previously or have had negative experiences with each other's agencies, you should take this into account. Some participants may bring preconceptions with them and be wary of some of the other invitees. For example, in some places, social service workers may have negative perceptions of law enforcement personnel as bullies. On the other hand, law enforcement personnel may view social service workers as being soft or easily duped by the people whom they are trying to assist. People do not need to share a common organizational culture to work together effectively as long as they value the tools and skills that others can bring to bear, reach agreement on what should happen and respect the differences in culture.

If the project warrants and you have the resources, you may find it helpful to find a neutral facilitator to convene the group and move forward with the SARA Process. Some communities have dispute resolution or mediation programs that include staff with top notch facilitation skills who may be willing to assist.

Prototype Response Strategies

1. Humane Displacement

Goal: To assist people living at the site with finding better living options and restore the site to its original use.

2. Short Term Accommodation

Goal: To contain or reduce the wear and tear on the existing site in the short-term and help the group locate a more permanent solution within a set time frame.

3. Long Term Arrangement

Goal: To accommodate the long-term habitation of homeless individuals or a homeless community on a designated site and reduce the risk of negative impacts on the site that result from a homeless encampment.

Choosing Your Strategy

Use your work group to develop a response that is suitable to your particular situation. To stimulate your group's thinking, three prototype strategies are described below: humane displacement, short-term accommodation and long-term settlement. Your response may borrow concepts from several of these strategies and even shift as you progress through various stages of implementation.

Humane Displacement

This strategy is based on the premise that the site on which homeless individuals are camping is not suitable for this use. The reason for this may include some combination of the following factors:

- If the site were to continue to be used for this purpose, it would expose people (motorists, pedestrians, agency employees, homeless individuals, etc.) to too many hazards.
- The site has attracted homeless individuals who are engaging in unlawful behavior or who are disturbing neighbors or others trying to use the site.
- The site has significant health and sanitation issues as a result of its current use. When the current hazards are cleared, the problem is likely to reoccur because there are no resources to address sanitation needs on an ongoing basis.



Photo credit: © Berryspun Photography,
<http://www.iStockphoto.com>

- There is no responsible party (e.g., a social service agency, a faith-based organization or a self-managed community of homeless individuals) able to assume responsibility for managing the camp on an ongoing basis.

Social services and law enforcement are key players in this strategy. The goal is two-fold: to assist people living at the site to find better living options and to restore the site to its original use. If the people living on the site have formed a community, your work group's strategy may involve assisting the community with identifying a more suitable site and moving to it. This option is explored in the section below entitled *Short-Term Accommodation*. If the people have not formed a coherent community, your work group's strategy may involve helping individuals explore their options for other short-term shelter or long-term housing.

An important and delicate part of this process is developing a sense of trust with the homeless individuals living at the site. It is very likely that they are accustomed to being treated harshly by authority figures. They may have developed survival strategies premised on dislike and distrust of traditional society; it will take time and patience to create lines of communication and build trust. If your team cannot build trust, you are more likely to end up in a confrontational situation and fail to meet your twin goals. An important place to start is for members of your work group who come in contact with the community to communicate respect for them as fellow human beings through both words and actions.

If a social service provider has already established a working relationship with members of the homeless community onsite, use this as your starting point.

AN IMPORTANT AND DELICATE PART OF THIS PROCESS IS DEVELOPING A SENSE OF TRUST WITH THE HOMELESS INDIVIDUALS...[THROUGH] COMMUNICAT[ING] RESPECT FOR THEM AS FELLOW HUMAN BEINGS THROUGH BOTH WORDS AND ACTIONS

The first contact should be more about listening and finding out about people's needs and concerns. Then, with a united front, your team might next approach the community with a common message, which may go something like this:

We recognize how important living at this site has become to you. And we've heard what you've said about the kinds of things you need to get by. But it is not possible for you to continue to stay here. We are here to offer options and resources to help you with making a transition, and to help you think about your future. We also want to let you know that there is a deadline for this transition; this site will no longer be available to you as of [date].

The social services team will need some time to work with the individuals so that they can explore their options. Your work group should decide on how much time will be allotted for this purpose. It may be possible to bring services to the site, or it may be more practical to help people access resources offsite. Needed resources may include things such as access to an offsite day center with shower, laundry and computer facilities; food, clothing and haircuts; assistance with applying for services, including transitional housing, housing vouchers, public housing, treatment programs, health benefits, Social Security, job training programs, or veterans' benefits. If resources are available, an approach that has been proven to be successful is to provide one-on-one case management assistance to help each person explore his or her options and begin to address the barriers that currently prevent him or her from moving forward.

While the social services team is working with the

residents, your law enforcement team should consider what could be done to ensure that people do not return to the site, based on the analysis you undertook in the SARA Process. Actions may include posting no trespassing signs (if this is permitted on public property in your state), amending laws to provide effective disincentives for continuing to camp on the site and/or planning patrols of the area for the next few months to discourage further camping. Community courts, which divert people from jail and point them toward appropriate assistance, may play an important role here. Your strategy may also include physical changes to the site, such as clearing brush and trimming the landscaping to provide greater site visibility. When the appointed day comes, if anyone remains on the site, it becomes the responsibility of your law enforcement team to remove anyone who remains.



Photo credit: © mcdc, <http://www.iStockphoto.com>

To see how this strategy has worked in a couple of different contexts, see the Baldock Rest Area and the Massachusetts Case Studies later in this chapter.

Short-Term Accommodation

In the short-term accommodation strategy, your agency or your work group has determined that the site is not suitable for continued habitation on a prolonged basis. But instead of representing a loose aggregation of individuals, the people living at the site have begun to form a community, and they see value in keeping the community intact. Their reasons for wanting to do so may include some combination of the following:

- They find dignity in being a self-governing community; they do not find the same kind of dignity in being recipients of public services, where others set the rules.
- They do not feel like they can be a part of traditional society, and this arrangement provides a living situation that is safer and more rewarding than living on the streets alone.
- Existing services are overtaxed and cannot address the demand. This is a better alternative than living alone.
- They want to make a political statement about homelessness in American society.

The first step in working with a community is to determine if there are generally-recognized leaders or spokespersons. Once again, if a social service agency has had prior contact with the group, your best option may be to rely on their information and build on the relationships that they have established. Depending on the circumstances, you may want to consider inviting a representative of the homeless community to be a member of the work group.

The two primary tasks that your work group faces are :

1. Containing or reducing the wear and tear on the existing site in the short-term.
2. Helping the group locate a more permanent solution within a set timeframe.

From the outset, it is important to communicate that the accommodation is short-term (set a deadline, if possible) and premised on the community's agreeing to specified conditions based on minimizing wear and tear on the site and being good neighbors to surrounding uses (if relevant). To further reduce wear and tear on the site during this interim period, your work group might want to consider providing access to toilets and washing facilities, perhaps through rented port-a-johns.

Members of your work group might collaborate with representatives of the homeless community to try to identify and secure a long-term site for the community. Public agencies, non-profits and faith-based organizations with excess land are possible landlords, as are socially-oriented private land owners. Depending on policies within your agency, your right-of-way staff may also get involved.

Finding a suitable site and working out all of the provisions can be a long and complicated process. Some of the key elements are described in the *Long Term Arrangement* section of this chapter. Setting a deadline gives you leverage to push forward with the move even though every detail for the new site may not be fully worked out. Close to the deadline, you may find it advantageous to provide a few days grace time if the community has made substantial progress but requires a small amount of extra time.

Case Study: Baldock Restoration Project, Oregon

Humane Displacement

The Problem

An encampment of approximately 100 chronically and transitionally homeless individuals were living in cars and tents at the Baldock Rest Area. One resident “Baldockean” claimed to have lived there for nearly two decades. The rest area is located along both sides of I-5 about 20 miles south of Portland, Oregon, and had been owned and operated by the Oregon Department of Transportation (ODOT). The rest area was an attractive place for camp residents, as it provided toilets, hot and cold running water, places to set up tents or park cars and RVs, and easy transportation access to jobs and services in the Portland area. ODOT lacked the resources to address the situation.

In January 2010, management responsibility for the Baldock Rest Area was transferred to the Oregon Travel Information Council (OTIC), an organization focused on implementing highway right of way programs for economic development purposes. Based on community input, OTIC sought to restore the rest area to its original function as a traveler resource and to remove the encampment and the problems it posed in a humane way. Although the camp was, to some degree, self-regulating and served regularly by food

kitchens and even school buses, there were also reports of assaults, drug use and prostitution occurring at the rest area.

Response/Strategy

Immediate/Short Term

Recognizing both the delicate nature of the situation and the fact that their own staff could not solve this program alone, OTIC convened a 30-member team that included social service providers, state and local law enforcement, ODOT, legal aid, and the District Attorney's Office to develop an approach that achieved the twin goals of providing pathways out of homelessness for the residents and restoring the rest area to its original function.

This diverse team of professionals worked together on a two-pronged plan of action for removing the encampment residents. It included “pull” elements such as intensive outreach, case-management and individualized problem solving around finding housing and other needed services. Every person who wanted help received it; each household that accepted case management services developed either a short-term relocation strategy or a long-term housing solution. It also included “push” elements, with state and local police working with OTIC to set and enforce

a firm deadline for moving and clear consequences for any who chose to remain. ODOT, working with OTIC and Legal Aid, adopted new rest area regulations, limiting stays to 12 hour maximums. On the day of the deadline, case managers secured volunteers to help individuals move and mechanics to provide needed vehicular repairs. They even provided gas cards and assistance with temporary camping fees at a state park to help residents relocate.

Key Partners

- ODOT
- Oregon Travel Information Council (OTIC)
- State and local police
- Oregon Housing & Community Services
- Nonprofit social service providers and faith-based organizations
- Clackamas County Social Services
- Legal Aid
- Clackamas County District Attorney's Office

Case Study: Baldock Restoration Project

Long Term

By May 1, 2010, the encampment was gone, and OTIC began work with ODOT to address deferred maintenance at the rest area, such as landscaping, building upgrades and hazardous tree removal. OTIC also made traveler-oriented improvements recommended by local business and community coalitions. OTIC instituted a more effective penalty for those who did not follow the regulations and entered into an inter-agency agreement with State Police to patrol the area and strictly enforce the new rules. OTIC also established a regular presence at the rest area and provided frequent maintenance. Social service providers continued to assist the former Baldockeans as needed and to track outcomes.

Key Partners

- ODOT
- OTIC
- State police
- Nonprofit social service providers and faith-based organizations
- County District Attorney's Office
- Clackamas County Social Services
- Legal Aid

Outcomes

For the Homeless

The process began with 109 people living at the Baldock Rest Area, about 40 of whom were chronically homeless. By the day of the move, many of the people had left on their own, finding other places to spend the night. But 22 households sought out and were provided case-management and shelter assistance services. Ten of those households moved to a nearby campground and another six continued to stay at the rest area in compliance with the new 12-hour rule. Sixteen months later, the case workers had kept track of all households that had sought help: ten were in permanent housing and three were in transitional housing. Another seven chronically homeless, most of whom had significant addiction issues, were in less stable housing conditions.

For the Agency

By May 1, only five months after the Baldock Restoration Project began, the camp was gone. Some individuals continued to use the rest area at night but did not establish a permanent presence. The summer after the camp was removed (May – October 2010), Oregon State Police reported a 55% decrease in all calls regarding the rest area compared to the previous summer.

Calls for assaults and disturbances each decreased by 70%, and no calls were received for harassment, vandalism or drug activity. Although these reductions cannot be entirely contributed to the removal of the camp, they were still achieved without arresting anyone and while providing desired assistance to numerous homeless individuals.

The Baldock Restoration Project Cost \$60,000. That figure includes \$38,000 provided by Oregon Housing and Community Services for case management and moving assistance, and more than \$18,000 provided by OTIC for enhanced security after the camp was removed. This figure, however, does not include the substantial amount of in-kind staff time provided by the members of the Baldock Restoration Team and the volunteers they enlisted to help.

For More Information

Case Study of the Baldock Restoration Project:
http://www.oregon.gov/ODOT/TD/TP_RES/docs/OtherPublications/BaldockRestoration.pdf?ga=t

Case Study: Massachusetts Department of Transportation (MassDOT)

Humane Displacement

The Problem

In 2006, a group of homeless individuals made a camp around an abandoned building on Massachusetts Department of Transportation (MassDOT) right-of-way near Boston. The site was near a mall with lots of pedestrian traffic and had mature trees and undergrowth that screened the camp, making it an attractive location for the homeless individuals. Someone noticed the camp and called the police. The site of the camp had been problematic in the past; twice in 2005 MassDOT had worked with law enforcement to remove homeless individuals, at great cost to the agency (see Outcomes). When they were notified by police in 2006 that homeless individuals had again set up camp at the site, MassDOT worked to devise a different strategy that might be more humane and have more lasting impacts.

Response/Strategy

Immediate/Short Term

When MassDOT was made aware of the reoccupation of the site, they first conducted a review to assess the extent of the camp, the safety and health threats it might pose, and the

characteristics of the site that had made it conducive to homeless settlement. Next, they contacted police and a local homeless shelter, Pine Street Inn, to get their support and expertise in the process. As the largest homeless services provider in New England, Pine Street Inn had an established process for dealing with unwanted homeless encampments. Pine Street Inn also had longstanding partnerships with law enforcement agencies (state, local and Massachusetts Bay Transit Authority) and service providers throughout the region and state.

Pine Street Inn representatives went to the site to engage the homeless individuals in a non-threatening manner: They relayed MassDOT's concerns to the residents, explained that an eviction was coming, and offered shelter and housing alternatives to all the individuals. This was followed about a week later by the police, who evicted the few individuals who had chosen to remain.

Key Partners

- MassDOT
- State Police
- Pine Street Inn

Long Term

Safety for workers and nearby motorists and pedestrians was the main concern for MassDOT. So once the homeless individuals were gone from the abandoned building site, MassDOT's first action was to install fencing around the area to limit access of people who might want to return. They next partnered with the Agency's hazardous waste contractor to safely dispose of the debris and materials they had identified in their initial review of the site. Finally, they worked with their landscape design section to alter the environment. They removed undergrowth and pruned trees in such a way as to retain the site's scenic value while making it more visible and less conducive to future habitation.

Key Partners

- MassDOT
- Hazardous waste contractor
- Landscape design teams

Outcomes

For the Homeless

By having homeless shelter representatives make initial contact before the police enforced the eviction, homeless

Case Study: MassDOT

individuals had a chance to access shelter options and to move and take their belongings with them. However, no one tracked where the individuals went, and thus it is not clear how many moved to shelters versus how many may have set up camp in another location.

For the Agency

MassDOT's main concerns with homeless encampments were the safety hazards and costs they created, as well as potential problems that might result for future uses of the sites. For this reason, keeping homeless encampments off of rights of way in the future was their main objective.

MassDOT's strategy cost the agency nearly \$3,000, largely due to the need to safely dispose of hazardous waste that was on the site. This is comparable to previous evictions and clean-ups, which typically cost the agency between \$2,000 and \$5,000. However, their approach in this case was much more successful. They found that altering the physical site after the homeless individuals left was a fairly successful way of ensuring that the site was not re-occupied. And working with homeless shelters created the opportunity for individuals experiencing homelessness to find safer and more permanent shelter and housing solutions.

For More Information

Patricia Leavenworth
District 4 Highway Director, MassDOT
781-641-8322
patricia.leavenworth@state.ma.us

Pine Street Inn
617-892-9100
info@pinestreetinn.org

Long-Term Arrangement

Ultimately, your solution may focus on reducing the risk of negative impacts resulting from a homeless encampment rather than on eliminating the encampment entirely. Under the long-term arrangement strategy, the goal is find a way to accommodate on a designated site the long-term habitation of homeless individuals or a homeless community. The site can be managed by an agency or by the homeless community itself, if sufficiently organized. The typical arrangement is a long-term lease with specified conditions. The site can be excess or surplus land or land owned by another public or private entity, such as state or local agencies that manage resource lands (e.g., forestry, parks, fisheries), utilities (e.g., water, sewer, gas, electricity), transportation agencies (e.g., ports, airports), public works departments and private or non-profit land owners (e.g., defunct summer camps, faith-based organizations). The site should have access to potable water and the possibility of being equipped with electricity (to prevent fires) and sanitation facilities. The ideal site will have access to services and employment opportunities.



Photo credit: © filo, <http://www.iStockphoto.com>

Long-term arrangements with homeless communities are both controversial and on the cutting edge of practice. Because each city or county has its own set of rules and civic culture governing this kind of occupancy, there are no “cookie cutter solutions.” The best guidance that can be provided is to list issues to consider and examples of successful models.

Some issues to consider in this approach include the following:

- There are two primary models: a site managed (and sometimes owned) by a nonprofit entity, or a site managed by a self-governing homeless community. Under the first model, the nonprofit sets the rules and enforces them. Under the second model, the community and its governing body perform these functions. Personal safety and fairness are typically guiding principles underlying the rules. Additional information about Codes of Conduct can be found in Appendix E.
- A typical arrangement involves a rental agreement between a land owner and a group. Some states permit sale or lease of public land at less than market value if it serves a public purpose. The lease should specify the terms by which the community may remain onsite. Additional information about leases, agreements and contracts can be found in Appendix F.
- There may be a conflict between what might constitute the most desirable site from the community’s perspective (one with access to services, employment and low-cost transportation) and one that minimizes conflicts with nearby land owners.

- It is important to be clear about the purpose of the settlement. Is it to provide short-term emergency shelter when the need arises? Is it to provide a type of transitional housing where people might expect to reside for a year or more, as they get their lives together to move on to the next stage? Or is it a permanent living arrangement?
- The design and features of the site should support its function as shelter, transitional housing or permanent housing. Tents and/or places to park vehicles (if people are living in their vehicles) might be more appropriate for shelter. Simple, semi-permanent one-room units combined with sturdier common areas for cooking, convening and sanitation (showers, toilets and perhaps washing facilities) might be more appropriate for transitional or permanent housing.
- It is important to work closely with relevant local government officials (building inspectors, planners, health inspectors, fire inspectors, etc.) to figure out what is currently permitted and what potential changes to current rules might be workable over time, if needed.
- In some cases, the settlement may be seasonal or rotate from one site to the next on a scheduled basis, to reduce the impact on any one location.

Two case studies are presented below, profiling communities with very different features: Dignity Village in Oregon and Tent City 4 in Washington State.

Case Study: Dignity Village, Oregon

Short-Term Accommodation and Long-Term Arrangement

The Problem

In December 2000, a group of eight homeless individuals set up their tents on public property after the City of Portland, Oregon's anti-camping ban was found to be unconstitutional by the Multnomah County Circuit Court. Over the course of the following year, the group frequently moved their camp site, finally selecting a site under a bridge that was owned and operated by the Oregon Department of Transportation (ODOT). The camp remained at this site for six months, over which time their numbers grew to more than 80 members. The residents began to create a system of democratic self-governance, calling themselves Dignity Village.

In 2001, prompted by complaints from the public about the camp, ODOT and the City of Portland announced that the camp had to vacate the property.

Response/Strategy

Immediate/Short Term

In response to the notice to vacate, Dignity Village members submitted a proposal to the City of Portland to establish a permanent settlement. As the City contemplated the

proposal, ODOT granted the camp a two month extension on the site, giving the City time to work with the camp members and local advocates to devise a solution. Eventually, the City Council voted to adopt Dignity Village as an encampment pilot project.

The City identified a site for the camp at Sunderland Yard, a leaf composting facility located on City land in an industrial area near the airport, approximately seven miles from the camp's bridge location near downtown Portland. The proposed location of the site so far from jobs and needed services prompted a series of negotiations between camp residents and its advocates, led by the homeless advocacy organization Street Roots. And although a majority of Dignity Village members opposed the location, the compromise was finally accepted and members slowly moved to their new legally-recognized location.

Key Partners

- ODOT
- City of Portland
- Dignity Village members
- Street Roots (local homeless advocacy organization)
- Oregon Law Center

Long Term

Once the camp moved from its site under the ODOT bridge, the process of establishing the permanent camp for Dignity Village was primarily a cooperative effort between the City of Portland and the camp members and their supporters. Dignity Village was incorporated as a 501(c)(3) nonprofit in 2001, and in 2004 the City allowed the Village to stay temporarily at Sunderland Yard, until another site was identified.

After several unsuccessful efforts to secure a permanent, privately owned site, the Village sought an agreement with the City to remain at Sunderland Yard indefinitely. In Resolution No. 36200, passed on February 26, 2004, the City Council designated a portion of Sunderland Yard as a Designated Campground under the terms of ORS 446.265. This State statute allows municipalities to designate up to two sites as campgrounds to be used for "transitional housing accommodations" for "persons who lack permanent shelter and cannot be placed in other low income housing." The statute notes that these transitional campgrounds may be operated by private persons or nonprofit organizations.

Case Study: Dignity Village

In 2007 the City signed a three-year contract with Dignity Village, allowing it to remain at Sunderland Yard. In the contract, Dignity Village agreed (among other things) to limit the camp to 60 residents, to manage the site completely, to maintain liability insurance, and provide regular reports to the City.

Over the last ten years, tents have been slowly replaced by small permanent structures which must meet basic building codes for camping structures, and which were funded by private donations and grants (the City provided about \$180,000 for permanent infrastructure for the site). Dignity Village has also continued to refine its system of governance. Besides its board of directors, the Village community is guided by a set of rules, including no drugs or alcohol or disruptive behavior, and no children, as former sex offenders are allowed to live in the Village. Residents also participate in weekly meetings and must contribute time and labor to maintaining the camp.

Key Partners

- City of Portland
- Dignity Village

Outcomes

For the Homeless

Today, Dignity Village is home to 60 residents who live in semi-permanent, energy efficient structures. Residents pay \$20 per month towards the camp's operational costs. Overall, it costs about \$5 per bed per night to operate Dignity Village, which is less than one third of the cost of a traditional shelter. Approximately half the residents work, while others rely on Social Security or disability income. Since 2000 more than 700 people have transitioned through the shelter, with an average stay of 18 months, and more than 140 former residents have attained full time jobs and permanent housing.

For the Agency

The negotiation process among the City, ODOT and Dignity Village members and advocates allowed for a smooth transition to the current permanent site, with relatively minimal costs to the Agency. Since the agreement was reached in 2001 to move the camp from the bridge location to its current permanent location, ODOT has had little to no interaction with Dignity Village.

For the City of Portland

Despite the overall success of the project, the Village has struggled to remain financially stable and to follow through with all the City's requests for reporting as well as fire and safety code compliance. In addition, the Village doesn't have the service staff that most transitional housing facilities offer, which some view as a barrier to the Village's success as a true transitional facility. The Portland City Council has provided two short term renewals to its contract with Dignity Village, but another long-term contract will require the Village to address the City's concerns.

For the Neighboring Community

Immediate neighbors, both commercial and residential, have reported few issues with Dignity Village. According to a 2010 study, between 2007 and 2009 the number of 911 calls that resulted in police dispatches was lower per capita for Dignity Village than for the city as a whole.

For More Information

Dignity Village Website:
<http://www.dignityvillage.org/>

Tent City Toolkit:
<http://tentciestoolkit.org/page9/page9.html>

Case Study: Tent City 4, Washington State

Long-Term Arrangement

The Problem

In 2004, the Northshore United Church of Christ in Woodinville, WA, outside Seattle, entered into an agreement with the City of Woodinville that said that the Church would not host homeless encampments on its property without obtaining a temporary use permit. However, in 2009, when the city placed a six-month moratorium on all permits, the Church allowed a homeless camp (later known as Tent City 4) to set up tents on its property without a permit. The City filed suit against the Church, which was eventually appealed to the Washington Supreme Court. The Court ruled that the city's refusal to process the Church's permit request violated the free exercise of religion clause of the state's constitution, as sheltering the homeless was claimed by the Northshore United Church of Christ as an expression of religious values.

This decision was based in part on the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000. RLUIPA states that no government may impose a land use regulation that places substantial burden on the exercise of religion by a person or institution, unless the regulation is in furtherance of a compelling government interest. The case is also unique to Washington, which has a much

broader constitutional protection of religion than the US Constitution provides. In response to the Woodinville case, the State of Washington passed a bill in 2010 that authorized religious institutions to host temporary encampments on their property. The bill also barred governments from enacting regulations or imposing fees on religious institutions with respect to homeless encampments, except to protect public health and safety.

Response/Strategy

When Tent City 4 was first formed in 2006, most Seattle area towns had no regulations related to homeless encampments. However, following the Woodinville case and the Washington bill, numerous jurisdictions adopted ordinances to formalize the permitting process and requirements for temporary homeless encampments as a way to protect themselves against potential lawsuits. Most of these regulations require the camp to have a religious host institution, and most limit camp stays to 90 days within any 365 day period.

Outcomes

Today, Tent City 4 is operated by SHARE/WHEEL, a Seattle-area nonprofit homeless advocacy organization. With the

fundraising and volunteer support of SHARE/WHEEL, Tent City 4 has successfully moved its location every 90 days, working to identify host institutions, obtain all necessary permits, and move the belongings of the camp residents.

TentCity4 has sheltered up to 100 people at its sites, and residents are governed by a code of conduct. At each of its locations, the camp works to orient its sites so as to limit who can enter and exit. Dumpsters, portable toilets and a shower are paid for through the fundraising efforts of SHARE/WHEEL. SHARE/WHEEL also works with local police to monitor crime and safety and has found that Tent City 4 does not result in increased crime levels for cities.

For More Information

Tent City 4 website:
<http://tentcity4.info/>

SHARE/WHEEL website:
<http://www.sharewheel.org/Home>

Municipal Research and Services Center of Washington – Temporary Homeless Encampments:
(Provides planning and policy assistance related to the Washington Tent City Bill)
<http://www.mrsc.org/subjects/housing/tentcity/tentcity.aspx>

CHAPTER 3

CREATING A POLICY FRAMEWORK FOR YOUR STATE

Chapter 2 addressed options for responding to a particular incident. This Chapter focuses on how to move beyond responding to homeless encampments on a case-by-case basis to developing institutional infrastructure—policies, resources and training—that enables your agency to take a more proactive and holistic stance with respect to the challenges of homeless populations camping on state DOT right-of-way.

The goal of this approach is to equip your personnel at various levels (policymakers, managers, supervisors and field staff) with the information, skills and resources that they need to respond to the unique situations related to homeless encampments that they encounter on a day-to-day basis.

The process described below draws from the knowledge bases of Problem-Oriented Policing and strategic planning.

Scanning the Situation

Scanning refers to identifying the nature and extent of a recurring problem. A fundamental first step is to collect information from the people in your agency who may encounter homeless camps as part of their

regular work. Consider asking the district or regional managers to work with their maintenance supervisors and technical staff who are in the field on a regular basis to undertake the seven-step exercise below. The information that you collect does not have to be precise; you are trying to get a general understanding of the nature and extent of the problem and how staff are responding to it currently.

Mapping the Problem in Your State

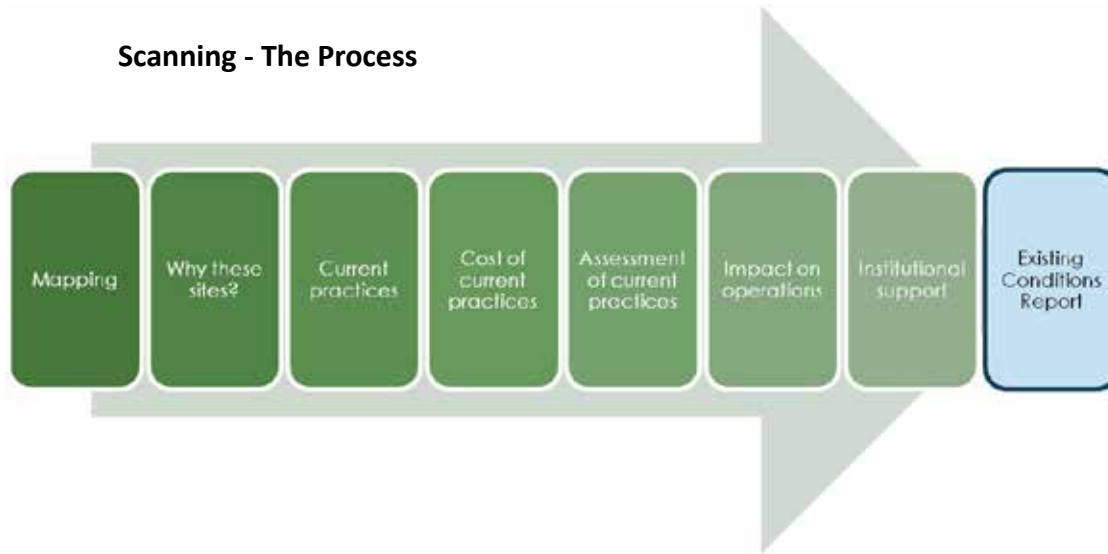
On a map of the district or region, staff should indicate the principal places where they have encountered homeless encampments. They could then number the sites and provide the following information for each:

- Duration of encampment: ongoing, frequently occupied, occasional, not known

What you'll learn about in this chapter:

- Scanning the Situation
- Establishing a State-wide Advisory Committee
- Analyzing the Situation
- Developing Alternative Strategies
- Creating a Plan for your Agency
- Assessing your Approach

Scanning - The Process



- Seasonality of encampment: year-round, certain seasons (specify which), not known
- Approximate average size of encampment: very large (100 or more people), large (50 – 99 people), medium (15 -49 people), small (3-14 people), very small (1 or 2 people), not known
- Nature of encampment: Elaborate (includes some lean-to's or other structures and places apparently designated for various purposes, such as latrines or cooking areas), simple (possessions and bedding only), not known.

Generating Ideas About Why These Sites May Have Been Chosen

For each site, the mapping group should indicate all the reasons why they think the site has been chosen to house a homeless camp. They should consider the physical nature of the site and its proximity to other uses.

Potential reasons include:

- Seclusion from view/privacy
- Shelter from weather
- Availability of amenities: potable water, public bathrooms
- Close to services and stores
- Close to panhandling opportunities.

Documenting Current Practices

The mapping group might then discuss how they address homeless encampments and list all of the tactics and strategies that they use. If there are some practices that they use consistently or frequently, they might highlight those.

Potential practices include:

- Contacting law enforcement
- Contacting social service and/or homeless assistance agencies
- Telling homeless people that they have to leave
- Leaving the situation as-is
- Posting *No Trespassing* signs
- Posting signs that the site will be cleared on a date certain
- Clearing the site of all possessions
- Undertaking a hazardous materials cleanup of the site
- Altering the site afterwards to discourage new encampments

Determining Costs of Current Practices

If you can, ask the supervisors or managers to estimate the cost of the resources (labor, equipment, supplies, and contracted services) that they have dedicated to dealing with homeless encampments in the past year.

Assessing the Effectiveness of Current Practices

Ask the supervisors or managers to describe the overall effectiveness of their current approach as follows:

- Problem solved (problem goes away and does not recur)
- Problem displaced (problem goes away at the sites but recurs on other right-of-way somewhere else as a result)
- Problem recurs onsite (problem goes away for a while but recurs again at the same sites)
- Problem remains (problem does not change)
- Problem gets worse (the encampments grow in size or becomes more dangerous)

Understanding the Impact of This Challenge on Operations

Ask the supervisors or managers to rate how significant of a problem they think homeless encampments pose to their region or district. While this is a subjective question, it will help you understand the range of concern about this issue that, in most states, is not understood or acknowledged.

- Significant impact
- Moderately impact
- Little impact
- No impact

Securing Institutional Support

Poll the managers and supervisors about the kinds of assistance that they think would help them better address the issue. Options may include:

- High level acknowledgement that the presence homeless encampments poses an operational challenge to the transportation system

Federal Compliance Considerations

Having a plan for addressing the impacts of homeless encampments may help bring your agency's operations into compliance with the 1994 Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and the 2011 Memorandum of Understanding that confirms its continuing relevance. Additional information on these items can be found in Appendix A. In brief, these executive policies expand various civil rights and environmental justice protections (such as the need to consider the potential adverse effects of actions) to low income populations. According to the US DOT's civil rights webpage, covered actions include "operations and maintenance." Your plan could demonstrate your agency's good faith effort to minimize adverse impacts of maintenance and operations on a particularly vulnerable segment of the low income population, individuals experiencing homelessness.

GETTING TO THE ROOT OF THE PROBLEM AND MAKING REAL CHANGE INVOLVES ENGAGING WITH A VARIETY OF PARTNERS WHO CAN HELP DEVELOP AND CONTRIBUTE TO A MORE INTEGRATED SOLUTION.

- Policy guidance, training and central office support (e.g., public and government relations staff) on options on how to respond
- Pre-established linkages with outside resources (e.g., social service agencies and law enforcement) that can help address situations as they occur
- Training for field staff on how to handle encounters with homeless individuals
- Funds for site cleanup
- Funds for site alterations
- New rules or state laws

You can approach this process of gathering and summarizing information in one of two ways: you can do it internally, using agency staff, or you can partner or contract with an outside entity. If you have a connection with a university, you may want to explore whether this might be an attractive project for a graduate-level class in transportation planning, criminal justice, public administration or social services. You may also want to consult with your agency's research department to see if they have resources to hire a consultant to do this work. The final product should consist of an Existing Conditions Report that summarizes the principal findings of your scanning process and includes maps that document the extent and nature of homeless encampments on right-of-way in your state.

Establishing a Statewide Advisory Committee

With this information in hand, you are ready to decide whether to invest time and resources in establishing

new agency relationships, policies and procedures. Doing so involves recognizing that homeless encampments, while posing an operational challenge for your agency, are the outcome of complex social problems. Getting to the root of the problem and making real change involves engaging with a variety of partners who can help develop and contribute to a more integrated solution. The purpose of setting up an advisory committee is to enlist the ideas and support of these entities in addressing the problem in your state. The advisory committee may be short term (focused on developing new policies and guidelines) or ongoing (meeting periodically to problem-solve around particular issues or provide feedback on your efforts). It can be advisory to a high-level staff person in your agency, or it can be advisory to your policy board.

Mine your Existing Conditions Report for ideas about who to include as members on the advisory committee. Potential candidates should include people with the same kinds of expertise described in Chapter 2, but they may represent statewide associations rather than local ones. Candidates may include:

Pull Side Partners

- State housing agency, especially staff that deal with homelessness and the Continuum of Care agencies on a statewide level
- State association of Community Action Agencies (federally-funded local anti-poverty agencies)
- Statewide or regional nonprofits organizations that specifically provide services to homeless individuals, including shelter providers, outreach workers, food and clothing providers
- Advocacy groups for and by homeless people

- State association of Housing Authorities and/or nonprofit housing providers
- State health and human services agency, particularly staff that administer mental health and substance abuse services
- State Veterans' organizations
- Associations of faith-based organizations and places of worship, particularly those with ministries involving the homeless

Push Side Partners

- State police
- Association of local law enforcement agencies
- State association of district attorneys
- Association of judges that deal with community justice issues
- State Legal Aid (to ensure that the rights of homeless individuals are respected)



Photo credit: © Dave Bolton, <http://www.iStockphoto.com>

Additional Partners

- State association of cities or counties
- State chamber of commerce
- University faculty from departments of planning, transportation, social work, public administration and/or criminal justice

Analyzing the Situation

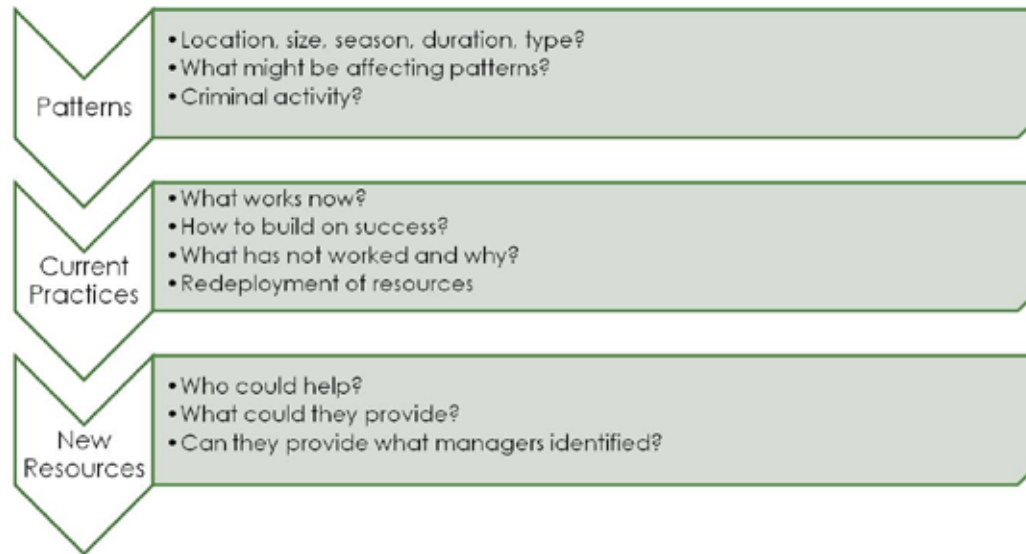
The first task of your advisory committee is to review the Existing Conditions Report to help you analyze the results and place them in a larger context. Potential questions to consider include:

- Are there patterns in the location, size, duration, seasonality or nature of the encampments? Do any of these things correlate with other phenomena known or observed by committee members? What hunches do committee members have about the causes of these patterns?

» For example, do the location and size of homeless camps correlate with information from the most recent Point-In-Time homeless count (discussed on page 8)? In particular, look at the number and percentages of sheltered versus unsheltered individuals in the count. Does it appear that the occurrence of camps is related to an insufficient number of shelter beds? The answer to this question may help determine the general direction of your strategies in particular communities.

» Have there been any closures of state mental health institutions or facilities?

» Have there been reductions in the number of jail or prison beds that have resulted in the release of offenders?



- » Have there been cutbacks in social services or changes in the economy that may have affected the size of the homeless population overall?
 - » What is known about the nature or extent of criminal activity or calls for service at or near the camps? (Note: Not all calls for service are occasioned by homeless persons as perpetrators. They can be uninvolved in the activities or victims.) The answer to this question may help deepen the involvement of “push” partners.
 - » What else do committee members know about homeless encampments that is not reflected in the information in the report?
 - Looking at the description of your agency’s current practices, what might potential new local push and pull partners contribute to these efforts? Who at the table (the advisors) could help explore the availability of these partners to assist and the resources that they might be able to bring to bear in the future?
 - Looking at the assessment of your agency’s current practices, which seem to work well? What hunches do committee members have about the potential reasons for success? What ideas do they have for building on these successes? Might some serve as model strategy options? In looking at the costs associated with current strategies that do not appear to work well, could some of these resources be deployed differently to reach a better solution?
 - How could committee members contribute to providing some of the additional kinds of support that the managers and supervisors identified?
- The answers to these preliminary questions both set the stage for exploring alternative approaches and enlist the resources and support of participating agencies from the outset. Thus, the alternatives may be constructed in an environment of expanded resources.

Developing Alternative Strategies

This next phase involves three steps: coming up with the key criteria against which you will evaluate alternative strategies, conducting a brainstorming session about those strategies, and then organizing and evaluating them against the criteria.

Selecting Criteria

Potential criteria that your committee may want to consider include:

- Effectiveness of strategy in reducing the negative impacts of homeless encampments on right-of-way, taking into consideration possible displacement of the camps
- Impact of strategy on homeless individuals
- Impact of strategy on addressing the overall challenges homelessness in the community
- Impact on crime in the immediate area
- Impact on community quality of life
- Availability of resources to implement the strategy
- Cost of strategy to agency

Brainstorming Strategies

The purpose of brainstorming is to collect as many ideas as possible from your committee about potential strategies for addressing the problems caused by homeless encampments. Be sure to include successful strategies identified in your existing conditions report. Do not be concerned if this step seems messy—the point is to get a variety of ideas on the table, even if they are widely differing in scope and specificity.



Photo credit: © Maiji Photography,
<http://www.iStockphoto.com>

Once ideas are on the table, you can group them or restate/reorganize them so that they represent truly distinct alternatives. This might occur at a meeting or between meetings.

Before the next meeting, you may want to consider if any of the potential alternatives need to be removed from further consideration. If some are removed, explain why this is necessary, so as to retain the good will of your committee. Perhaps further discussion of your agency's concerns might yield modifications that would enable a refined version of the alternative to be included. For example, an alternative previously rejected may be included with the proviso that changes in current policy would be required to enable this alternative to be feasible, and that your agency is not able to commit to those changes because those deliberations have not yet occurred.

Evaluating Strategies

The final step involves evaluating the alternatives against the criteria selected to choose a suite of alternatives to form the basis of your agency's plan. Because you are likely to have a variety of problems and contexts associated with homeless encampments, you may find it helpful to select not just a single strategy, but a small group of them from which managers and supervisors can choose, based on the best fit for their circumstances.

Creating A Plan for Your Agency

With this input, you are prepared to develop a plan for your agency. The plan should lay out the known scope of the problem (from your Existing Conditions Report), the goals you hope to achieve (refer to your evaluation criteria), the suite of strategies you have selected and anything that needs to be done to solidify them, and the resources required (internal and external to your agency), specifying which are available and which are not at the current time. An important part of your plan is specifying who in your agency has the authority to form local coalitions and the amount of latitude they have in choosing among strategies or developing new ones. The final responsibility of your advisory committee might be to review the plan and, if desired, assist with its adoption.

Once your agency's policy-setting body has accepted the plan, the next step is to put in place the policies and tools required to implement the plan. This may include changes to guidance documents (policies and procedures), interagency memorandums of understanding, agreements or contracts with other

parties, the redirection of resources and investments in your agency's human capital (training). Appendix B includes information and ideas about training resources for transportation agency staff.

Assessing your Approach

The final phase involves evaluating the outcomes and costs of your new approach. To effectively evaluate impacts, it is helpful to have baseline data about the conditions you hoped to change as a result of plan implementation. Much of this data will be available from the Existing Conditions Report and the information brought forward by members of your advisory committee when they analyzed it.

The next step is to gather matching data that capture conditions after the plan has been implemented to see if the changes are having the intended effects. You can use a combination of qualitative and quantitative data to understand if and how things may have changed.



Photo credit: © Daneger, <http://www.iStockphoto.com>

It may be useful to go back and refer to the working hypotheses (cause and effect) formed during this phase of your planning process to see if the evidence supports or brings into question their validity.

This kind of evaluation is known as an outcomes-based evaluation because it analyzes the impacts of your intervention on a condition, as measured by selected indicators. You may also find it helpful to undertake a process-oriented evaluation that examines what new processes and problem-solving capacities are in place now that this plan has been implemented. In a process-oriented evaluation, you are measuring changes in the capacity of a system to respond to challenges. Is it more efficient? More effective? More proactive? Enjoys more political support? More nimble?

Based on the results of your evaluation, you may want to go back and fine-tune your plan and the implementation tools. This is how your agency's knowledge grows. Refining the plan helps to ensure that the hard lessons learned from experience are captured, and that staff who did not directly experience a particular situation are able to benefit from what was learned.

Conclusion

Homelessness presents a substantial operational challenge to public agencies, including state-level Departments of Transportation. Based on case and survey research, this guide shows that effectively addressing this challenge is within reach of agencies—but it necessitates a multi-partner, collaborative approach that utilizes both incentives (carrots) and deterrents (sticks).

Agencies need to be proactive in thinking about how they will manage homelessness and ensure that policies and procedures are in place that give affected employees the tools and guidance they need to resolve what can be difficult and sometimes frustrating situations. At the same time, remember every situation is unique—solutions will be case- and site-specific and will require a thoughtful and deliberate plan of action. We hope this best practices manual assists you and your agency as you work on this important and challenging problem.



Photo credit: © SMIC, LLC, <http://www.iStockphoto.com>

REFERENCES

- Bassett, Ellen, Tremoulet, Andrée & Moe, Allison. (2012). [Online surveys of transportation agency managers and rest area managers]. Unpublished raw data.
- Braga, Anthony A. (2008). *Problem-oriented policing and crime prevention* (2nd ed.). Monsey, NY: Criminal Justice Press.
- Center for Problem-Oriented Policing. (n.d.). *Model academic curriculum module 4: The SARA process*. Retrieved from http://www.popcenter.org/learning/model_curriculum/
- Clarke, Ronald V. and Eck, John E. (2005). *Crime analysis for problem-solvers: In 60 small steps*. US Department of Justice, Office of Community Oriented Policing Services, Washington DC.
- Goldstein, Herman. (1990). *Problem-oriented policing*. New York: McGraw-Hill, Inc.
- National Alliance to End Homelessness. (2010). *Fact Sheet: What is a Continuum of Care?* Retrieved from <http://www.endhomelessness.org/content/article/detail/1744>
- National Alliance to End Homelessness & Homelessness Research Institute. (2012). *The State of Homelessness in America 2012*. Retrieved from <http://www.endhomelessness.org/content/article/detail/4361>
- Onishi, Norimitsu. (2012, June 19). After sweeps, San Jose stores property of homeless. *New York Times*. Retrieved from <http://www.nytimes.com>
- Puentes, R., & Prince, R. (2005). Fueling transportation finance: A primer on the gas tax. In B. Katz & R. Puentes (Eds.), *Taking the high road: A metropolitan agenda for transportation reform* (pp. 45-76). Washington, DC: Brookings Institution.
- United States Executive Order 12898 (1994). Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. *Federal Register*, 59(32), 1-5. Retrieved from <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

(This page left intentionally blank)

APPENDIX A

CONSIDERATION OF HOMELESS POPULATIONS IN FEDERAL ENVIRONMENTAL JUSTICE REQUIREMENTS

Introduction

In 1994, President Clinton signed Executive Order 12898, entitled “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations.” This Order requires that all federal agencies “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations”(p. 1).

The Order created an inter-agency working group on Environmental Justice (EJ) to provide agencies with guidance. It also required individual federal agencies to create and adopt an EJ Strategy, to do their own research, and to provide progress reports when requested. The U.S. Department of Transportation (DOT) adopted Order 5610.2 on Environmental Justice as part of its EJ Strategy in 1997.

In August 2011, federal agencies signed a memorandum of understanding (MOU) confirming the importance of continuing to address EJ concerns as laid out in Executive Order 12898. It required all signing agencies to update their EJ Strategies, and beginning in 2012, to provide annual reports on progress made (*Memorandum of Understanding*, 2011). This renewal of interest in environmental justice makes the information provided in this Guide all the more relevant and important.

Executive Order 12898 was issued with the intent of providing management advice to federal agencies with respect to environmental justice

issues. Unlike a law passed by Congress, an Executive Order does not provide affected parties with the right to pursue legal remedies through the courts if an agency fails to follow its directives (Executive Order 12898, Section 6-609).

This Appendix provides an overview of Executive Order 12898, with a focus on its relationship to Departments of Transportation and their interactions with homeless populations.

Executive Order 12898 and Title VI

The protections and considerations of Executive Order 12898 are often understood as an extension of Title VI of the 1964 Civil Rights Act. The purpose of Title VI is that “no person in the United States shall, on the ground of *race, color, or national origin*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (italics added). In 1987, the Civil Rights Restoration Act expanded the Title VI requirements to include “all programs and activities of federal-aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally funded” (Environmental Justice Task Force, 2010).

Environmental Justice is closely tied to Title VI; reporting on both is often combined, and at times the concepts are used almost interchangeably. The Title VI protections, against discrimination and for inclusion in processes, are limited to the federally protected classes identified in the Civil Rights Act of race, color and national origin. One major difference

with Executive Order 12898 which is relevant to this conversation is that it extended those protections to include low income populations in general.

The considerations which Executive Order 12898 requires of those populations are at once more broad and more nuanced than Title VI. The Order addresses discrimination, participation, and benefit of projects, but through the lens of health and environmental well-being. This ties the issues of discrimination or adverse impact on communities to the Environmental Review processes required of all federal projects, discussed in the next section.

Executive Order 12898 and NEPA

According to the Council on Environmental Quality (CEQ), Executive Order 12898 was accompanied by a memorandum to heads of federal departments and agencies that “specifically recognized the importance of procedures under the National Environmental Policy Act (NEPA) for identifying and addressing environmental justice concerns”(1997, p. 1). It focused especially on encouraging the participation of low income, minority, and Indian tribe populations in NEPA processes.

The purpose of NEPA, established in 1969, is to “encourage productive and enjoyable harmony between man and his environment” (CEQ, 1997, p. 7). This is achieved through review requirements for federal activities to ensure consideration and mitigation of potential negative impacts on the environment. The Presidential memorandum accompanying Executive Order 12898 identified four common NEPA processes that should address environmental impacts on low income, minority, and Indian tribe populations. These are environmental assessment, environmental impact statement, finding of no significant impact, and record of decision (CEQ, 1997).

The CEQ published a guide in 1997 to help agencies identify and address EJ concerns in the NEPA processes. In terms of participation, the guide suggests that “agencies should encourage the members of the communities that may suffer a disproportionately high and adverse hu-

man health or environmental effect from a proposed agency action to help develop and comment on possible alternatives to the proposed agency action as early as possible in the process”(15). It can then use input from the public participation process to develop appropriate mitigation measures.

Despite the parallels of Executive Order 12898 to existing requirements such as NEPA and Title VI, it has received far less attention. Part of this may be that, although reporting and monitoring requirements are well understood for NEPA as well as Title VI, they have not been clearly addressed for compliance with Executive Order 12898 (neither in the Order itself, the recent EJ MOU, the DOT’s EJ Order, nor even its recently revised EJ Strategy). As a result, EJ reporting and monitoring has largely been rolled into Title VI and NEPA processes, which may have had the impact of decreasing both the awareness and impact of the Order.

This is changing, however, with the renewed Federal focus on Executive Order 12898 in 2011. By separating the reporting requirements for the Order from Title VI, the more nuanced adverse impacts of projects on health and community cohesion may be able to be more directly addressed.

Executive Order 12898 and Homeless Populations

This section will explore how people experiencing homelessness may be impacted by the protections of Executive Order 12898. The homeless are not explicitly mentioned in Executive Order 12898, nor were they mentioned in a 2003 evaluation by the US Commission on Civil Rights on how well federal agencies were implementing the EJ requirements of Executive Order 12898. Furthermore, it is not clear how Executive Order 12898 applies to actions undertaken by state DOTs utilizing federal funds, or if it applies at all to actions occurring on right-of-way acquired or improved with federal funds prior to the adoption of the Order.

However, at least two State DOTs (Florida and Washington) have interpreted the Executive Order as applying to homeless populations,

in actions taken on specific federally-funded projects and documented in published articles (Poitier et al, 2005, and Kocher et al, 2007). And the homeless would appear to fall under EJ protections and considerations, based on DOT Order 5610.2 definitions provided below (United States Department of Transportation, Office of Civil Rights)¹:

- “Low income means a person having a median household income at or below the Department of Health and Human Services’ (HHS) poverty guidelines” (Appendix 1b).
- “Low-Income Populations means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity” (Appendix 1d).

The majority of homeless individuals in the United States would meet the income guidelines described above. Thus homeless encampments would fall directly under the category of “low-income populations,” and it is quite possible that individuals experiencing homelessness would also qualify.

DOT Order 5610.2 defines “adverse affects” in the following way:

- “Adverse effects means the totality of significant individual or cumulative human health or environmental effects, including inter-related social and economic effects, which may include . . . *destruction or disruption of community cohesion* or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; *adverse employment effects; displacement of persons* . . . isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community” (Appendix 1f), (Italics added).

A common approach to homeless encampments is dispersal through regulation or law enforcement. Dispersal of homeless encampments on right-of-way acquired or improved with federal funds clearly causes

1. The 1997 NEPA guide to EJ has similar definitions of “low-income population.”

the displacement of persons, and it may disrupt community cohesion (if it exists) within the camp.. It might also have adverse effects on individuals’ employment opportunities, and could result in increased isolation of homeless individuals from the broader community.

Finally, the US DOT’s “Civil Rights” webpage (nd) clarifies which DOT actions need to take these concerns into consideration. According to their site, Executive Order 12898 and Title VI apply to all transportation decisions, including the following (italics added):

- Policy Decisions
- Systems Planning
- Metropolitan and Statewide Planning
- Project Development and Environmental Review under NEPA
- Preliminary Design; Final Design Engineering
- *Right-of-Way*
- *Construction*
- *Operations and Maintenance*

The actions shown above in italics are most likely the situations in which transportation agency personnel would come into contact with homeless encampments or individuals. And although many agencies reported in our survey² that they interact with the homeless in operations and maintenance, the protections and consideration of Executive Order 12898 have largely not been applied to those populations. In fact, in a search of all 50 state DOT websites, only six made any reference at all to the homeless.

For the most part, when the homeless are mentioned by agencies, it is in terms of being in the way, or needing to be “cleaned up.” For example, a 2008 New Mexico DOT newsletter talked about removing graffiti, trash and homeless camps so that gardeners can garden in parks (New

2. As part of the OTREC-funded research, Andree Tremoulet and Ellen Bassett sent surveys to ODOT employees and rest area managers. 46 of the 64 respondents (72%) reported having encountered homeless encampments.

Mexico Department of Transportation, 2008). The New Hampshire DOT website noted a camp that was in the way of a proposed path (New Hampshire Department of Transportation, 2011). And a report by the California DOT on litter and graffiti abatement noted, under “litter removal,” that “4,994 homeless camps were removed from the roadsides” (California Department of Transportation, 2005, p. 2).

The most comprehensive inclusion of the homeless found in that search was by the Washington State DOT. Their 2011 manual titled “Sustainable Roadside Design and Management for Urban Freeways in Western Washington” names homeless camps as one of their two biggest problems, the other being “intense invasive weed pressures” (Robertson & Smith, 2011, Title Page). As a result, the manual systematically includes the homeless in their case study evaluations. Most mentions read something like the following: “Existing Conditions: Transient encampment area; limbed-up trees with open meadow/grass areas,” or “Maintenance: Annual transient clean-up; routine mowing” (19).

The Washington design manual, like most of the state DOT website references to the homeless, seems largely to view homeless encampments as a barrier to project design and maintenance efforts. However, the manual also acknowledges that “preventing the establishment of and removing transient encampments involves complex social, economic, and political issues that require clear policy directives from WSDOT for roadside maintenance and close cooperation with law enforcement agencies” (Robertson & Smith, 2011, p. 71). The authors see a need for collaboration and for explicit guidance as to how best to deal with/prevent homeless camps³.

3. A 2007 article titled “From Policy to Action : Identifying Environmental Justice Concerns in Transportation Planning” describes the Washington State DOT’s outreach to homeless communities affected by the Alaskan Way Viaduct and Seawall Replacement Project in Seattle, WA.

In a search of the state DOT websites, there was no evidence of such guidance being available, except the Washington design manual described above. And in a survey sent to DOT and rest area managers, only 10 of the 64 survey respondents (16%) reported having received training on how to deal with homeless populations. Of those who had not, more than half thought such training was needed.

Conclusion

Until recently, it would appear that homeless populations were not broadly understood as being protected populations under Environmental Justice provisions. Executive Order 12898 provided clear management guidance to federal agencies to consider and mitigate the adverse impacts of agency activities, including maintenance, on low income and transient populations.

Although the work of State DOTs and their employees and contractors is integral to the success of broader DOT Environmental Justice efforts, the applicability of Executive Order 12898 and Department of Transportation Oder 5610.2(a) to state-funded maintenance of federal highway right-of-way and other federally-funded projects is not clear at present. Nevertheless, some state transportation agencies, along with law enforcement officials and others, are beginning to look more holistically at the recurring presence and resulting challenges of homeless populations on public land and developing new kinds of solutions. These solutions often include a collaborative approach to problem-solving that include partnerships with social service agencies and, in some cases, homeless individuals themselves.

In the 2011 updated EJ Strategy, the U.S. Department of Transportation noted that it is “exploring traditional and nontraditional strategies for engaging low-income and minority populations.” The approaches described in this Guide represent innovative applications of and approach to Environmental Justice in transportation projects, and the experiences of those involved can provide insight to practitioners facing these problems throughout the United States.

References

- California Department of Transportation. (2005). *2004/05 Litter and Graffiti Abatement*. Retrieved from <http://www.docstoc.com/docs/35738944/200405-LITTER-AND-GRAFFITI-ABATEMENT>
- Council on Environmental Quality. (1997). *Environmental Justice: Guidance Under the National Environmental Protection Act*. Retrieved from http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf
- Environmental Justice Task Force. *Annual Report to the Governor's Environmental Justice Task Force*. Oregon State Agencies, 2009. (2010). Retrieved from <http://www.oregon.gov/Gov/GNRO/docs/2009-ejtf-report.pdf?ga=t>.
- Kocher, K., & Kucharski, M. (2007). From Policy to Action : Identifying Environmental Justice Concerns in Transportation Planning. *The State of Environmental Justice in America Conference*, (March). Retrieved from http://www.ejconference.net/images/Kocher_Kucharski.pdf.
- Memorandum of Understanding on Environmental Justice and Executive Order 12898*. (2011). Retrieved from http://www.dotcr.ost.dot.gov/documents/DOTPart/080411_EJ_MOU_EO_12898%5B1%5D.pdf
- New Hampshire Department of Transportation. (2011). *Bureau of Environment Conference Report*. Rivers (Vol. 17, pp. 1-9). Retrieved from <http://www.nh.gov/dot/org/projectdevelopment/environment/units/projectdevelopment/documents/July202011.pdf>
- New Mexico Department of Transportation. (2008). Should Public Works Manage Parks? Budding Controversy. *New Mexico Local Technical Assistance Program Newsletter*, 51A(Summer), 4-5. Retrieved from http://nmshtd.state.nm.us/upload/images/Local_Technical_Assistance_Program%28LTAP%29/Newsletter/SUMMER NEWSLETTER 2008.pdf
- Oregon Department of Transportation (nd). *Title VI for Agencies over 200,000 Population*. Retrieved from http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/titlevi/docs/TitleVI_PlanTemplateVersion_2.pdf?ga=t
- Oregon Department of Transportation (2002). *Title VI Plan*. Retrieved from http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/titlevi/docs/ODOT_TitleVI_Plan_2002.pdf
- Oregon Department of Transportation (2009). *Title VI Guidance for Transportation Planning*. Retrieved from <http://www.oregon.gov/ODOT/TD/TP/docs/publications/TitleVI.pdf?ga=t>.
- Potier-Brown, L., & Pipkin, G. (2005). Urban Campers as a New Population for Community Impact Assessment: Case Study of US-301 in Sarasota, Florida. *Transportation Research Record*, 1924(1), 118-119. doi:10.3141/1924-15
- Robertson, I., & Smith, L. (2011). *Sustainable Roadside Design and Management for Urban Freeways in Western Washington*. Retrieved from <http://www.wsdot.wa.gov/research/reports/fullreports/774.1.pdf>

- Socioeconomic Resources* (Draft). (2006). Retrieved from <ftp://ftp.odot.state.or.us/techserv/Geo-Environmental/Environmental/ProceduralManuals/Nepa/VOL2DraftCHAPTERS/>
- United States Commission on Civil Rights. (2003). *Not in My Backyard : Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice*. Washington D.C. Retrieved from <http://www.usccr.gov/pubs/envjust/ej0104.pdf>
- United States Department of Transportation, Office of Civil Rights. *Environmental Justice*. Retrieved from <http://www.dotcr.ost.dot.gov/asp/ej.asp#4>.
- United States Department of Transportation, Office of Civil Rights. (2012). *Department of Transportation Environmental Justice Strategy*. Retrieved from http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/dot_ej_strategy/index.cfm
- United States Department of Transportation. (1997). *US DOT Order 5610.2 - Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Vol. 2). Retrieved from http://www.fhwa.dot.gov/environment/environmental_justice/facts/dot_ord.cfm.
- United States Department of Transportation. (2012). *Department of Transportation Order 5610.2(a): Final DOT Environmental Justice Order*. Retrieved from http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/
- United States Executive Order 12898 (1994). Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. *Federal Register*, 59(32), 1-5. Retrieved from <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>.
- United States Federal Highway Administration. (1994). An Overview of Transportation and Environmental Justice. Retrieved from http://www.fhwa.dot.gov/environment/environmental_justice/overview/

APPENDIX B

RESOURCES FOR TRANSPORTATION AGENCY STAFF WORKING WITH HOMELESS POPULATIONS

Working with homeless populations, whether on an on-going basis or only occasionally, can present unique challenges to transportation agency staff. Homeless individuals are more likely than the general public to have mental illness and addiction disorders, to be veterans, and to be victims of domestic violence. While many individuals experiencing homelessness require affordable shelter or housing, and adequate employment and health care services, many require much more specialized care to successfully transition out of homelessness.

If your agency has decided to engage with local homeless populations, there are many resources available to help you and your staff to be as safe and effective as possible. The information below provides a starting point, but there are probably already experts on the homeless in your community who can provide support to you and your agency. This includes homeless advocates, police, and social service and mental health providers (public and non-profit). These people and organizations can help you understand who the homeless are in your community and the challenges they face, as well as methods for interacting with them.

You may even be able to work with these potential partners to develop trainings specific to your agency's needs. This approach has been used by a number of police departments across the country that have worked with partners to develop homeless outreach teams to more effectively address the challenges posed by homelessness in their communities.

National Coalition for the Homeless: Factsheets

<http://www.nationalhomeless.org/factsheets/who.html>

The National Coalition for the Homeless is a national homeless advocacy nonprofit with a goal to educate the public on issues surrounding homelessness. Through their website you can access a wide array of publications, including the above series of Factsheets on who the homeless are in the United States.

National Alliance to End Homelessness: Community Plans

http://www.endhomelessness.org/section/solutions/community_plans

The National Alliance to End Homelessness is also a national homeless advocacy nonprofit with a focus on assisting local communities in creating "Ten Year Plans" to achieve their goals of ending homelessness. The above link allows you to search for your community's homeless plan, which will provide information on who the homeless are locally, as what work is already being done and who is doing it.

Continuum of Care

<http://www.hudhre.info/index.cfm?do=viewCocContacts>

According to the US Department of Housing and Urban Development (HUD), a Continuum of Care (CoC) is a local plan to help transition

homeless individuals and families into permanent shelter and self-sufficiency. It includes outreach, emergency and transitional shelter and services, and affordable housing. Since 1995 HUD has awarded grants to communities to coordinate efforts and develop their own CoCs. And in 2012 HUD established requirements for CoC recipients to adopt Homeless Management Information Systems to track homeless individuals and help deliver services more efficiently and effectively.

The above website allows you to search for local CoC contacts by state. This can be a great starting place if your agency is considering partnering with other organizations to move homeless individuals from a site.

International Network of Street Papers

<http://www.street-papers.org/>

The International Network of Street Newspapers (INSP) supports and develops more than 100 local independent street press projects around the world, including 30 in the United States. These projects provide employment opportunities for homeless individuals and are education and advocacy tools for local communities. Through their website you can search for publications in your area. These newspapers can provide useful information on homelessness and help you connect with service providers. Newspaper staff and volunteers may also be able to help you to reach out to the homeless populations with whom you are dealing.

Homelessness Resource Center: Tools and Training

<http://homeless.samhsa.gov/Channel/HRC-Tools-and-Training-25.aspx>

The Homelessness Resource Center is a branch of the Federal Substance Abuse and Mental Health Services Administration dedicated to disseminating information on homelessness to advocates, service providers, policymakers, and public agencies. Their website has a great deal of information, but the above Tools and Training section was developed to fill the information gap between research and practice.

Specific training resources that may be relevant to agency staff engaging with homeless individuals include:

- Expert Panel on Cognitive Impairment
<http://homeless.samhsa.gov/Resource/Expert-Panel-on-Cognitive-Impairment-33353.aspx>
- Invisible: Cognitive Impairment and Homelessness
<http://homeless.samhsa.gov/ResourceFiles/xn3boic4.pdf>
- Homelessness and Traumatic Stress Training
<http://homeless.samhsa.gov/Resource/HRCs-Homelessness-and-Traumatic-Stress-Training-Package-33070.aspx>

Manual: Engaging People who are Homeless with a Mental Illness

http://hacchicago.org/PDF/HAC_Engagement_Manual.pdf

The above manual was developed by the Illinois Department of Human Services Division of Mental Health's Homeless Action Committee. Though not an academic study, nor a definitive resource, it does provide basic information on recognizing behaviors associated with mental illness and engaging those people safely and effectively.

“Verbal Judo”

<http://verbaldefenseandinfluence.com/>

Verbal Judo is a communication tool developed by George Thompson that is focused on using understanding of the other to generate cooperation and voluntary compliance in stressful situations. The approach has been used by a number of police departments, including the NYPD, to interact with individuals who are frightened, traumatized or aggressive. The Verbal Defense and Influence website listed above offers verbal judo training, which might be useful to agency staff who interact regularly with challenging homeless individuals.

APPENDIX C

ALTERING THE PHYSICAL ENVIRONMENT

For many transportation agencies, the return of homeless encampments after eviction or relocation can be the most difficult and frustrating aspect of the problem; time, money and other resources are spent repeatedly, without ever reducing the scope and impact of the problem.

Relocation efforts that partner with homeless service providers are one way to reduce the probability that homeless individuals will stay on or return to a site. But once an agency has succeeded in removing or relocating a homeless encampment from the right-of-way, there is continued work that can be done to address some of the physical characteristics of the site that made it attractive to the encampment in the first place. Examples of such approaches identified by the US Department of Justice include:

- Securing vacant lots and buildings
- Trimming or removing overgrown vegetation and brush
- Setting water sprinklers to go off at different times

It is important for agencies to remember that in some cases, humane relocation and changes to the physical environment may not address all the needs and issues of a camp's homeless individuals. So on sites that have chronic issues with encampments, agencies can also work to physically enhance those areas so as to reduce the negative impacts of routine activities of the homeless population. This includes installing public toilets and trash receptacle and cleaning up camp sites. It may also be possible to partner with a human services agency (such as one that provides structured employment or volunteer programs for homeless or formerly homeless individuals) to maintain the site. This is tied in with the "accommodation" approach, and may not be appropriate for every site or every agency.

Resources

Chamard, Sharon. 2010. *Homeless Encampments. Problem-Oriented Guides for Police. Problem-Specific Guides Series, no. 56.* Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.. Retrieved from http://www.popcenter.org/problems/pdfs/homeless_encampments.pdf

APPENDIX D

USING TRESPASS LAW TO DISCOURAGE HOMELESS ENCAMPMENTS

Trespass law can be a viable tool to help discourage homeless individuals from establishing permanent residences on property owned by Departments of Transportation, and to provide a “push” if you need to relocate individuals. However, the details of what constitutes criminal trespass vary greatly by state and even by local jurisdiction. In general, trespass is the interference with another’s possession of property, including the invasion of another’s property. Some states hold that any unpermitted entry onto property is criminal whether or not harm was done, while others specify that trespass is not criminal unless a verbal or written warning (such as posted signs) has been given. Others still may define trespass as committing certain prohibited acts on a property rather than entry onto the property itself.

For Departments of Transportation, the issue of trespass is particularly difficult to enforce, as the property is publically owned. However, in some cases, particularly for properties not intended for regular access by the public, some restrictions may be possible. More and more, public agencies have begun to enact trespass laws that only prohibit certain specific actions (e.g., sleeping) or prohibiting them only at specific times (e.g., overnight). Such laws can be enforced using signage that references the local statute or ordinance, which is less resource-intensive and can give law enforcement more discretion.

If your agency is considering such an approach, specificity of the restrictions is extremely important to protect public agencies from accusations of violating homeless individuals’ constitutional rights, such as free speech (See Appendix G). In most cases, the restriction must achieve a legitimate public purpose, and must use the lightest restrictions possible. And because specific laws governing trespass on both private and public property vary greatly across the United States, it is important to work with partners such as a District Attorney to understand your local statutes and ordinances.

References

Mitchell, D., & Heynen, N. (2009). The geography of survival and the right to the city: Speculations on surveillance, legal innovation, and the criminalization of intervention. *Urban Geography*, 30, 6, 611-632.

APPENDIX E

CODES OF CONDUCT FOR HOMELESS ENCAMPMENTS

If your agency has made the decision to allow a homeless encampment to remain on public land, even temporarily, but you are not entering into a formal lease agreement with a third party (e.g., a nonprofit agency) to manage the camp, consider working with the camp residents early on to establish camp codes of conduct. This allows your agency to exert some control over who is in the encampment, what activities take place, and how the site will be maintained. Setting these rules also helps establish clear expectations, both of your agency and of the camp residents, and clear consequences and enforcement procedures if those expectations are not met. Finally, developing codes of conduct *with* camp residents can also help to build trust and respect between parties, which is very important to ensuring smooth and productive future interactions.

Potential Elements to Consider in Developing a Homeless Encampment Code of Conduct

- Presence of drugs or alcohol
- Presence of weapons
- Presence of residents with criminal history (what kind of background is okay, what is not)
- Presence of children (particularly if sex offenders are allowed to live in the camp)
- Presence of pets (Remember to allow assistance animals)
- Loitering in surrounding areas
- Open flames
- Quiet hours
- Participation in site maintenance
 - » Security shifts
 - » Number of volunteer hours required per month
- Participation in camp governance
 - » Attendance at weekly meetings

- Check-ins: Periodic meetings with social service providers or other city or agency representatives to demonstrate that they are searching for work or permanent shelter
- How new residents are admitted
 - » Vote by existing camp residents

Homeless Encampments with Established Rules and Regulations

Dignity Village (Portland, Oregon)

<http://www.dignityvillage.org/>

Camp Take Notice (Washtenaw County, Michigan)

<http://www.tentcitymichigan.org/>

Tent Cities 3 and 4 (King County, Washington)

<http://www.sharewheel.org/Home/tent-cities>

Village of Hope (Fresno, California)

<http://www.poverellohouse.org/village.html>

For More Information

Tent City Toolkit

<http://tentcitytoolkit.org/page9/page9.html>

This website provides some of the governing documents used by Dignity Village. This includes their admittance agreement, judicial process, police protocols, and pet contract.

Tent City - Municipal Research and Services Center of Washington

<http://www.mrsc.org/subjects/housing/tentcity/tentcity.aspx>

This website provides information for local jurisdictions in Washington regarding homeless encampments. It was created in response to Washington legislation passed in 2010 that authorized religious institutions to host temporary homeless encampments. This website provides links to numerous jurisdictions' policies and requirements for the establishment of camps, many of which include codes of conduct.

APPENDIX F

LEASES, CONTRACTS AND AGREEMENTS FOR ESTABLISHING HOMELESS ENCAMPMENTS

There are a number of places throughout the United States where organized homeless camps have signed official leases, contracts, or other agreements with public entities or private property owners to allow them to stay on the property. This has been used both for temporary and semi-permanent accommodation, as with Tent City 4 in Washington State, and for more permanent shelter solutions, as with Dignity Village in Portland, Oregon. As with the “Rules and Regulations” discussed in Appendix E, lease agreements or contracts between the host individual, organization or agency and the homeless encampments or their governing nonprofits are an important tool for establishing accountability and trust.

Potential Elements of Contracts or Agreements

- Date camp will begin
- Length of camp’s stay
- Maximum number of residents allowed
- Location of site
- Host individual or organization representative
- Fees or lease payments to host
- Date, time and location of regular meetings with host and/or community
- Buffering, screening or setback requirements between camp and surrounding properties
- Noise or lighting restrictions
- Maintenance responsibilities of camp and host
- Sanitation and public health procedures and requirements (port-o-potties, water and waste-water, dumpsters, etc.)
- On or off-street/site parking allowed
- Fire safety regulations
- Type of shelter options allowed at site (tents vs. cars or RVs vs. permanent or semi-permanent structures)
- Hazard or liability insurance (and amount) required
- Access routes for emergency vehicles
- Site security procedures
- Liability of host and camp residents
- Severability of contract

Many of these items may overlap with internal rules and regulations governing the camp residents. But with the lease agreement, it is important to work both with the host and the community (including neighboring residents, local law enforcement and fire department, and public planning and public health agencies) to develop the lease. This can help to address potential conflicts before they arise, but can also help re-assure neighbors that their concerns are recognized and valid.

For More Information

Tent City - Municipal Research and Services Center of Washington

<http://www.mrsc.org/subjects/housing/tentcity/tentcity.aspx>

This website provides information for local jurisdictions in Washington regarding homeless encampments. It was created in response to Washington legislation passed in 2010 that authorized religious institutions to host temporary homeless encampments. This website provides links to numerous jurisdictions' policies for the establishment of camps, many of which include requirements for lease agreements as well as codes of conduct.

APPENDIX G

A BRIEF OVERVIEW OF THE CONSTITUTIONAL RIGHTS OF THE HOMELESS

The United States Constitution provides a basis for the rights of all citizens, some of which can specifically protect homeless individuals and their actions. Criminalizing policy reactions to growing homeless populations over the past few decades have led many advocates towards this Constitutional approach and away from local policy and law in order to protect the rights of the homeless. This document provides an overview of the frequently-cited case law related to the Constitutional rights of homeless individuals and encampments, as well as federal protections relating to relocation. Many of the legal interpretations are from state-level cases and thus conflict. However, they provide a framework for how these legal concerns are being challenged and addressed in the United States.

Two caveats should be taken into consideration in reading this document. First, many states and local jurisdictions in the United States have specific laws and regulations that may either expand upon or limit broader Constitutional rights relating to homeless individuals and their actions. It is important when working and interacting with homeless populations to understand these local rights and regulations. Second, laws and interpretations of laws can change quickly because new cases are decided all the time. This summary represents a snapshot of important considerations pertaining to Constitutional rights at the time this guide was published.

First Amendment – Freedom of Speech

Policies prohibiting or limiting begging or panhandling have been accused of violating First Amendment rights of free speech, though there is some inconsistency on this interpretation. The main argument for begging as free speech is based on the fact that the US Supreme Court has

in different scenarios protected the right to ask for money. For example, the Supreme Court has on a number of occasions protected the right of solicitation for charity. In *Riley v. National Federation of the Blind*, (1988), the Court protected “communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes,” which can also be clearly construed to apply to homeless people who are advocating on behalf of their own situation (Hershkoff, 1991, p. 905).

The most famous argument against begging as free speech was the 1991 case *Young v. New York City Transit Authority*, in which the US Supreme Court ruled that a homeless man could be banned from panhandling in the New York Subway (Hershkoff, 1991). The reasoning used in this ruling was that the First Amendment protects speech but not conduct, and thus the Transit Authority could regulate the conduct of begging, or more generally the conduct of being homeless and/or disheveled in public. (Of course the act of soliciting donations, which is protected, could also be construed as “conduct”). More information

on the distinction between status and conduct is provided in the section on the Eighth Amendment.

One way a number of jurisdictions have avoided the First Amendment issue is by specifically outlawing “aggressive” panhandling, but not all forms of panhandling, so as not to completely limit this constitutional right for the homeless (Thomas, 2000). On the other side of the argument, States such as Oregon have ruled that panhandling is a form of free speech according to State Constitutional definitions, which in the case of Oregon are broader than federal definitions (ACLU Oregon, 2009).

Another place that the protections of free speech have been invoked for homeless individuals is in cases involving trespass on public property. Trespass is defined in modern law as the “intentional and wrongful invasion of another’s real property” (West et al., 1998). But the details of what constitutes criminal trespass vary greatly by state and even local jurisdiction: Some states hold that any unpermitted entry is criminal whether or not harm was done, while others specify that trespass is not criminal unless a verbal or written warning (such as posted signs) has been given. Others still may define trespass as committing certain prohibited acts on a property rather than entry onto the property itself (West et al., 1998).

In some cases, such as *Virginia v. Hicks* (2003), criminal trespass charges have been challenged when the person accused was engaged in an act of free speech on publically owned property. However few such challenges have been successful. One reason is that the first amendment protects political speech, not all speech. But more problematic is that some properties owned by a government entity are not considered traditional “public forums,” which protect speech¹, and thus can have some of the same rights to exclusion as private property. For such properties, the restrictions placed on it must be specific, and must achieve a legitimate public interest (Mitchell, 2006). Though the case law is highly divided on this topic, in recent decades the U.S. Supreme

1. Traditional public forums include streets, sidewalks and parks (Mitchell et al., 2006).

Court has tended to side with property rights over free speech in such cases (Mitchell, 2006, Mitchell et al., 2009).

First Amendment – Freedom of Religious Expression and Free Exercise Clause

In a different application of the First Amendment, churches prohibited from setting up homeless camps on their property when the use is not allowed by local zoning or other regulation have argued that such prohibitions violate their freedom of religious expression (Talge, J. 2010).

The Free Exercise Clause of the First Amendment says that religious uses cannot be excluded from areas zoned for residential use only (Loftus-Farren, 2011). The argument for freedom of religious expression follows this, saying that helping or ministering to the poor is part of their faith, and thus restrictions on it are unconstitutional. But as with most of the cases involving the homeless, the case law is not entirely consistent. An early and often-cited decision on this issue was *St. John’s Evangelical Lutheran Church v. City of Hoboken* (1983), in which the New Jersey Supreme Court upheld the church’s right to host a homeless camp despite local zoning. However in other cases, such as the *First Assembly of God v. Collier County* (1994), lower-level Courts have upheld zoning ordinances, noting that the church could fulfill their mission in other ways that were not in conflict with local land use law (Stout, 2011).

Added to this is the 2000 Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), which states that “no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution-- (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest” (RLUIPA).

The most prominent case on this topic since the passage of RLUIPA was in the State of Washington. In the *City of Woodinville v. Northshore United Church of Christ* (2009), Woodinville “refused to consider a church’s application to host a homeless encampment. The (Washington Supreme) Court held this outright refusal to be an unjustified infringement on the church’s free exercise of religion” (Talge, J. 2010). It should be noted that this case is unique and may not be replicable in other states, since Washington’s constitution includes “absolute” protection of religious freedom beyond the First Amendment protections².

Eighth Amendment – Cruel and Unusual Punishment

Policies that disallow homeless camps and practices of tearing down or “sweeping” homeless camps have received a great deal of attention in law literature. In such cases, the Eighth Amendment has frequently been invoked, which protects individuals from cruel and unusual punishment based entirely on “status.” In such cases, advocates have interpreted “status” to include homelessness, and argue that anti-camping/sleeping ordinances punish the very condition of homelessness³. The case law surrounding this issue is conflicting, and reflects state-level decisions.

The most famous such case to rule in favor of homeless individuals was

2. Following the case, the Washington Legislature passed Chapter 175 (ESHB 1956)/RCW 36.0.1.290 authorizing “religious organizations to host temporary encampments for homeless persons on property owned or controlled by a religious organization. The legislation . . . prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of homeless housing.” (Municipal Research and Services Center of Washington, 2012). In response, a number of Washington jurisdictions have since adopted ordinances to govern tent cities sponsored by religious organizations. See the Washington Case Study on pages 32-33 for more information

3. Litigation has invoked the equal protection clause of the 14th Amendment, protecting individuals from unequal protection under the law, based on status (May, N. 2002).

Jones v. City of Los Angeles, 2006. In this decision, the Ninth Circuit Court of Appeals struck down a Los Angeles’s ordinance which prohibited sitting, lying or sleeping in the street at any time, saying it was as a “violation of the Eighth Amendment’s prohibition against cruel and unusual punishment. The panel held that the ordinance unconstitutionally criminalized conduct that, due to the city’s shortage of housing for the homeless, was an unavoidable outgrowth of the status of homelessness” (Gerry, 2007, p.240)⁴.

However as mentioned before, the case law is not consistent on this issue, as other courts have chosen to interpret the concept of “status” based on another case, *Powell v. Texas*, 1968, in which the Supreme Court further refined this differentiation between status and condition: While being an alcoholic was a status, being intoxicated in public was a condition, as it could be done in private. Following this, in the case of *Joyce v. City and County of San Francisco*, 1994, the court held that homelessness, unlike addiction, was a condition “that could be more easily altered and effectively addressed with social interventions. Moreover, the decision of whether to provide homeless shelters was one of discretion left to the City, and ‘status cannot be defined as the function of the discretionary acts of others’”(247).

Some localities have avoided this legal debate entirely by incorporating the availability of shelter beds into their regulations and ordinances involving homeless individuals. For example, the City of Reno, Nevada set up a system that when shelter beds aren’t available, the city allows a camp on private land, shutting it down when beds again become available. Under this system residents must register with the camp, and check in weekly to show they are searching for housing and jobs. Other camps such as the Village of Hope or Community of Hope in Fresno, California have rezoned property to allow for camping, which over-rides local ordinances against camping or sleeping in public (Loftus-Farren, 2011).

4. The Jones decision was based on the case *Robinson v. California*, 1962, in which “the Supreme Court found that a state statute criminalizing narcotics addiction violated the Eighth and Fourteenth Amendments. The Court called addiction an illness, analogizing its criminalization to that of leprosy or a venereal disease”(244).

Fourth Amendment – Illegal Search and Seizure

The Fourth Amendment is the subject of the other large segment of litigation against policies and procedures that criminalize homelessness (May, N. 2002, Schultz, 1992, Granston, 1992). The Fourth Amendment ensures the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” (May, N. 2002, p. 121). The most straight-forward application of this deals specifically with law enforcement procedures such as sweeps that seize and/or dispose of the belongings of homeless people living outdoors. In most cases, the law has ruled on the side of the homeless. For example, in 2008 the California Department of Transportation lost a class action law suit for confiscating the belongings of homeless individuals during a sweep of an unregulated homeless camp (National Coalition for the Homeless, 2010).

But the Fourth Amendment conversations have spawned a much broader debate over the definition of privacy, and how to address homeless camps on public land. The major case cited in this discussion is *Katz v. U.S.*, 1967 in which the U.S. Supreme Court defined the Fourth Amendment as protecting people, not places: “[W]hat a person knowingly exposes to the public, even in his home or office, is not a subject of Fourth Amendment protection. But what he seeks to preserve as private, even in an area accessible to the public, may be Constitutionally protected” (Schultz, 1992, p. 1008). The key point here is that shelterless individuals may have no choice but to perform private activities in public. In the 1988 state case *California v. Greenwood*, the court acknowledged that a “failure to recognize such an expectation of privacy as reasonable would result in an unequal application of the laws to the rich and the poor” (Schultz, 1992, p.1026).

Homeless people living in their vehicles receive some protection under the Fourth Amendment beyond those of squatters, however their protection is still less than for individuals residing in private dwellings (Granston, 1992). “The Court has justified this reduction of privacy for automobiles by noting that automobiles are exposed to public view, that automobiles seldom serve “as one’s residence or as the repository

of personal effects,” and that automobiles are subject to extensive government regulation.” (Hewitt, 2000, p. 883). This interpretation was based on a great deal of US Supreme Court case law reaching back nearly 90 years, and stems from both the mobility of automobiles and the diminished expectations of privacy assumed with automobiles versus more permanent residences ⁵.

Finally, there has been debate around homeless individuals living in motor homes versus conventional vehicles. The US Department of Housing and Urban Development defines a homeless individual as someone “who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is either (a) a supervised shelter providing temporary living accommodations or (b) an institution providing residence for individuals intended to be institutionalized or (c) a public or private place not designed for regular sleeping accommodations for human beings” (Dykeman, 2011). Thus individuals living in their cars are considered homeless by the federal government, but individuals in motor homes may not be, as motor homes are designed for sleeping accommodations by humans.

However there is not consistent application of this definition, as for example some localities choose to count people living in motor homes in their homeless counts while others do not (Wakin, 2008).

In the 1985 case *California v. Carney*, the US Supreme Court held that the expectations of privacy in a motor home are more like those in a dwelling than in an automobile because the primary function of motor

5. The 1925 case *Carroll v. United States* upheld that an authorized officer to search a vehicle without a warrant if there was probable cause to believe the vehicle contained contraband. “The Court justified this exception by recognizing the difference between searches of fixed premises and searches of vehicles, the latter capable of being “quickly moved out of the locality or jurisdiction in which the warrant must be sought.” (Hewitt, 2000, p. 883-884). Later, in *United States v. Chadwick*, 1977, the Supreme Court further defined the importance of mobility of private property, saying that “diminished expectation of privacy . . . surrounds the automobile. . . because the automobile travels public thoroughfares and is subject to extensive government regulation” (884).

homes is not to provide transportation but to “provide the occupant with living quarters” (California v. Carney). And yet many cities have actively pursued local ordinances to limit the ability of otherwise homeless individuals to remain in their motor homes or RVs. For example, in a dispute in Santa Barbara over a fine imposed on an RV dweller, a city Commissioner stated that if there was space available in a local Christian shelter, then the RV owner could not legally stay overnight in their RV. However, the ACLU intervened and succeeded in getting charges dropped, as this shelter required people staying the night to participate in a religious service (Wakin, 2008).

Relocation Rights of the Homeless

At the crux of the arguments over Fourth Amendment violations in sweeps of homeless camps is the definition of “private space.” Similarly, debate over the definition of “residence” has been central to the question of whether homeless individuals qualify for relocation assistance when forced to move due to government activities or projects. But whereas the homeless’ Constitutional rights continue to be debated in court, the federal government has clearly excluded the homeless from coverage by relocation rights.

In 1970, during the height of Urban Renewal policies which demolished urban neighborhoods in the name of redevelopment, the federal government passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). The URA defined benefits to be provided to households displaced by federally funded programs. In 1974, the Housing and Community Redevelopment Act also required relocation assistance, as well as one-for-one replacement of demolished affordable housing units. Finally, a 1998 amendment to the US Housing Act of 1937 further defined relocation requirements for demolition of public housing units (Cordes, 1979).

The 1998 Housing Act amendment stipulated that Housing Authorities were “not required to find either temporary or permanent housing for homeless persons” (Krislov, 1988) displaced by governmental actions. The 1970 URA was also very specific about who was not covered by its

protections. Individuals residing in emergency homeless shelters were not covered under the URA definition of “dwelling” because “such a facility is usually not a place of permanent, transitional or customary and usual residence” (US HUD, 2006, p. 1-9). This interpretation of the term “dwelling” would therefore exclude all homeless individuals, whether on the streets, in camps, or in shelters, from assistance for displacement due to government projects, including transportation projects.

References

- ACLU Oregon. (2009). *Volkart v. City of Medford*. Retrieved from <http://aclu-or.org/content/volkart-v-city-medford>.
- California v. Carney*, 471 US 386 - Supreme Court 1985. Retrieved from http://scholar.google.com/scholar_case?case=15820223925611411971&hl=en&as_sdt=2&as_vis=1&oi=scholar
- Cordes, J. J. (1979). Compensation Through Relocation Assistance. *Land Economics*, 55, 4, 486-498.
- Dykeman, B. F. (2011). Intervention Strategies with the Homeless Population. *Journal of Instructional Psychology*, 38, 1, 32-39.
- Gerry, S. (2007). *Jones v. City of Los Angeles: A Moral Response to One City’s Attempt To Criminalize, Rather than Confront, Its Homelessness Crisis*. *Harvard Civil Rights-Civil Liberties Law Review*, 42, 239-251. Retrieved from http://www.law.harvard.edu/students/orgs/crcl/vol42_1/gerry.pdf
- Granston, M. D. (April 01, 1992). From Private Places to Private Activities: Toward a New Fourth Amendment House for the Shelterless. *Yale Law Journal*, 101, 6, 1305-1330.
- Hewitt, D. J. (April 01, 2000). Don’t Accept Rides from Strangers: The Supreme Court Hastens the Demise of Passenger Privacy in American Automobiles. *Journal of Criminal Law and Criminology*, 90, 3, 875-916.

- Krislov, M. (1988). Ensuring Tenant Consultation before Public Housing Is Demolished or Sold. *Yale Law Journal*, 97(8), 1745-1764.
- Loftus-farren, Z. (2011). Tent Cities : An Interim Solution to Homelessness and Affordable Housing Shortages in the United States. *California Law Review*.
- May, N. (2008). Fourth Amendment Challenges to “Camping” Ordinances: The Government Acquiescence Doctrine as a Legal Strategy to Force Legislative Solutions to Homelessness. *Connecticut Public Interest Law Journal*, 113, 8, 113-134. Retrieved from <http://www.law.uconn.edu/system/files/private/May-Fourth%2BAmendment%2BChallenges%2Bto%2BCamping%2BOrdinances.pdf>
- Mitchell, D., 2006, Property rights, the First Amendment, and judicial anti-urbanism: The strange case of Hicks v. Virginia. *Urban Geography*, Vol. 26, 565–586.
- Mitchell, D., & Heynen, N. (2009). The geography of survival and the right to the city: Speculations on surveillance, legal innovation, and the criminalization of intervention. *Urban Geography*, 30, 6, 611-632.
- Municipal Research and Services Center of Washington. (2012). Tent City – Temporary Homeless Encampments. Retrieved from <http://www.mrsc.org/subjects/housing/tentcity/tentcity.aspx>.
- National Coalition for the Homeless. (2010). Tent Cities in America: A Pacific Coast Report. Retrieved from <http://www.nationalhomeless.org/publications/Tent%20Cities%20Report%20FINAL%203-10-10.pdf>
- National Law Center on Homelessness and Poverty. (2010). “Criminalization Constitutional and Human Rights Framework – Advocacy Guide.” Retrieved from <http://wiki.nlchp.org/display/Manual/Criminalization+Constitutional+and+Human+Rights+Framework>
- Rakas v. Illinois* - 439 U.S. 128 (1978). Retrieved from <http://supreme.justia.com/cases/federal/us/439/128/>
- Religious Land Use and Institutionalized Persons Act (RLUIPA). Retrieved from <http://www.rluipa.org/>
- Schultz, E. (1992). The Fourth Amendment Rights of the Homeless. *Fordham Law Review*, 60, 5, 1003-1033 . Retrieved from <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2971&context=flr>
- Stout, K. (2011). “Tent Cities and RLUIPA: How a New Religious-Land-Use Issue Aggravates RLUIPA.” *Seton Hall Law Review*, 41, 1, 464-499. Accessed from Retrieved from <http://erepository.law.shu.edu/cgi/viewcontent.cgi?article=1379&context=shlr>
- Talge, J. (2010). “No Direction Home: Constitutional Limitations on Washington’s Homeless Encampment Ordinances.” *Washington Law Review*, 85, 781-813. Retrieved from <http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/494/85WLR781.pdf?sequence=1>
- Thomas, B. C. (January 01, 2000). Examining A Beggar’s First Amendment Right To Beg In An Era Of Anti-Begging Ordinances: The Presence And Persistence Test. *University of Dayton Law Review*, 26, 155-178.
- United States Department of Housing and Urban Development. (2011). Ch. 1 Scope, Definitions and General Policies. *Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition*. Retrieved from <http://www.hud.gov/offices/adm/hudclips/handbooks/cpdh/1378.0/1378c1CPDH.pdf>
- Wakin, M. (December 01, 2008). Using Vehicles to Challenge Anti-sleeping Ordinances. *City & Community*, 7, 4, 309-329.
- West Publishing Company & West Group. (1998). *West’s encyclopedia of American law*. Minneapolis/St. Paul, MN: West Pub. Co.



HOMELESS ENCAMPMENTS ON PUBLIC RIGHT-OF-WAY A PLANNING AND BEST PRACTICES GUIDE



Center for Urban Studies
Portland State University

<http://pdx.edu/cus>





P.O. Box 751
Portland, OR 97207

OTREC is dedicated to stimulating and conducting collaborative multi-disciplinary research on multi-modal surface transportation issues, educating a diverse array of current practitioners and future leaders in the transportation field, and encouraging implementation of relevant research results.