

June 8, 2020

Via Electronic Mail: city.clerk@sanjoseca.gov

San Jose City Clerk
City of San Jose
200 E Santa Clara St,
San Jose, CA 95113

Via Electronic Mail: meenaxi.raval@sanjoseca.gov

Meenaxi Raval, AICP
Environmental Project Manager
City of San Jose
Department of Planning, Building, and Code Enforcement
200 E Santa Clara St, 3rd Floor
San Jose, CA 95113

RE: PS Business Parks Comments Regarding A Final Environmental Impact Report for the Charcot Avenue Extension File Nos.: PP18-044. Agenda Item 5.1 20-626

Dear Mayor Liccardo and Councilmembers:

I am submitting comments to the Final Environmental Impact Report dated May 2020 (FEIR) for the Charcot Avenue Extension Project (Project) on behalf of PS Business Parks. By letter dated November 4, 2019, PS Business Parks previously submitted extensive substantive comments in an effort to improve the FEIR. PS Business Parks is deeply disappointed to see that there have been no substantive responses to PS Business Parks' comments. Those prior comments by PS Business Parks are incorporated and reasserted by this reference.

As pointed out in our earlier comment letter, PS Business Park owns large properties on both sides of Charcot Avenue. Charcot Business Park I is located at 721-751 Charcot Avenue, 2023-2035 O'Toole Avenue and 2142-2190 Paragon Drive and consists of 19 units. Charcot Business Park II is located at 700-848 Charcot Avenue and 2001-2015 O'Toole Avenue and consists of 57 units. Charcot Business Parks I & II are collectively known as Charcot Business Park and operate together on the west side Interstate 880 in north San Jose. Because Charcot Avenue ends at highway 880 the road is not a hindrance and the two parks work essentially as a single entity. The project would extend Charcot Avenue from Paragon Drive on the west side of I-880 to Oakland Road on the east side of I-880.

No property is impacted more than the Charcot Business Park by the western end of the proposed Charcot extension over Highway 880. The business park specializes in providing first class business locations for a variety of small and medium sized companies. Small and medium size businesses provide the bulk of the jobs and GNP in San Jose and the USA. San Jose is notoriously jobs deficit and providing an environment that welcomes business and the jobs they provide is supposed to be a high City priority. However, this project does not concern itself with its detrimental impacts on business. Nor does there appear to be any concern that this project will effectively bifurcate the parks that currently function as a single operation.

Companies at the stage of their development during which they are tenants in the park can be fragile and require the access, visibility and flexibility that the Charcot Business park currently provides. To protect the businesses in the park, PS Business Parks is highly motivated to ensure that the Charcot Business Park remains a secure, safe, high-quality environment for the types of businesses that fuel Silicon Valley and San Jose. Charcot Business Park I has had operations at this location since 1980, Charcot Business Park II has operated at its location since 1974. This long presence in this location gives the parks particular expertise in how the proposed changes to the physical environment foreseeably caused by this project could adversely impact the local urban environment.

The FEIR in its response to comments fails to provide substantive responses as required by 14 CCR §15088. For example, in an email dated May 22, 2018 PS Business Parks submitted extensive substantive issues to be studied in the DEIR in response to the City's Scoping Request, including the harmful impacts that reduce the viability of the Charcot Avenue facing businesses. Nevertheless, the DEIR did not address this subject. PS Business Parks raised the issue again in its comment letter on the DEIR. When the drafters of the EIR were asked how the impacts caused by the Project on the businesses facing Charcot Avenue could be mitigated the FEIR simply ignored the issue by saying that the impact would not happen. (Response O.2) However, a review of Figure 2.1-5 and Table 2.3-1 shows this is a significant unaddressed risk. The Figure shows that the businesses both north and south of Charcot Avenue and that face Charcot Avenue will lose their primary access into the property. The amount of land taken or impacted as described in the Table adds up to 64,200 sq ft (over an acre!). Indeed, the building identified as APN 237-02-064 has the retaining wall almost touch the building. There will be virtually no parking left for the businesses facing Charcot and the FEIR has no plan for access to what little parking remains. It is not apparent how the Charcot Avenue facing businesses will avoid being shut down in the face of the huge loss of land and access. The response to comments is completely dismissive of the legitimate concerns of businesses whose livelihood and good will depends on visibility and access.

Similarly, when asked "...how these [Charcot Avenue facing] businesses will be affected, displaced, or relocated." Response O.5 simply stated that eminent domain can be used.

The Response completely failed to address concerns about how these businesses viability and survival will be assured.

The balance of the Responses were all just as terse and unsatisfactory and did not come to grips with the significant environmental issues raised. Accordingly, PS Business Parks objects to certification of the FEIR and maintains that the FEIR is not in compliance with CEQA and must be re-accomplished if it is to survive legal challenge. Further the comments by PS Business Parks and others are so extensive the FEIR should have been recirculated.

It should also be noted that several of the alternatives are superior to the recommended alternative, in particular alternatives B, C, D and E are preferable to the proposed project.

Regarding the Project's propensity to create homelessness issues, (Comment O.35) PS Business Parks provided pages of citations to evidence which demonstrates that this project could exacerbate homelessness issues. Since all the evidence cited by PS Business Parks is completely unaddressed in the response to comments it appears that none of the evidence was looked at or considered. This conclusion is supported by the statement in the Response that "...there is no evidence that the construction of a roadway causes or exacerbates homelessness" (Emphasis added) PS Business Parks evidence was presented as citations to documents on the internet in the environmental interest of saving trees and City storage space. However, in light of the evidence being ignored PS Business Parks will as a courtesy attach the reams of evidence previously provided as citations in its comment letter.

On a final note, the staff memorandum asserts the Project will cost \$50,000,000. In light of regular cost overruns on projects like these, that figure is probably well below the actual cost. PS Business Parks and others have provided significant information showing that the Project is not wanted or needed and would not improve traffic conditions or reduce VMT. Considering the recession caused by the COVID 19 pandemic, and the emerging predictions of less commuting/congestion associated with long term changes to work from home policies and increased ride sharing associated with new technologies such as Scoop, etc, there likely will be a structural, more permanent decrease in need for more traffic circulation . Given the unaddressed and/or unmitigated issues of (1) exacerbating an existing homeless issue next to the creek, (2) feasibility of the under-analyzed alternative B – E, (3) bifurcation of an existing, synergistic park, and the questionable traffic congestion benefits or even need, the Project is a poor use of the City's very constrained resources in these COVID and post COVID times. The City has a huge budget deficit to balance over the next few years, this project should be first on the list for elimination until the costs vs benefits are further understood, and/or the costs and or impacts are fully studied and then satisfactorily ameliorated.

The FEIR does not adequately perform its function as an informational document. Indeed, the goal of the document seems to be to avoid disclosing or mitigating the impacts

regardless of the facts or the law. For all the above reasons, the FEIR is legally insufficient to support the Project.

Respectfully Submitted,

SILICON VALLEY LAW GROUP

_____/s/
Jeffrey S. Lawson

Attachments:

1. *Homeless Encampments on Public Right-of Way, A Planning and Best Practices Guide*, Center for Urban Studies, September 2012, p.30
2. Travis Fedschun, "Los Angeles, California cities 'overrun by rodents' that pose public health epidemic, study says," Fox News, July 17, 2019.
3. Dennis Romero and Andrew Blankstein, "Typhus zone": Rats and trash infest Los Angeles' skid row, fueling disease," NBC News, October 14, 2019.
4. LA sanitation needs \$17M to keep up with homeless encampments," Curbed LA, Feb. 22, 2018.
5. "Los Angeles Fire Started in Homeless Encampment, Officials Say," The New York Times, Dec. 12, 2017.
6. Amy Pollard, "Tent Fires Are on the Rise Among the Homeless in L.A.'s Skid Row," Slate, July 24, 2018.
7. Joel Grover and Amy Corral, "Firefighters Lose Critical Tool to Battle Rise in Homeless Fires," NBC4 News, July 22, 2019.
8. Brittany Falkers, Portland Fire & Rescue Has Responded to More Than 1000 Homeless-Related Fires in Last 3 Years, KGW (July 30, 2019), <https://bit.ly/2ladKNj>.
9. Everton Bailey Jr., Malfunctioning Stove Sparks Fire, Burning Portland Homeless Camp, Neighboring House (Oregon Live Posted Dec. 6, 2016; Updated Jan. 9, 2019),
10. "Thousands of pounds of human waste, close to 14,000 hypodermic needles cleaned out from Santa Ana River homeless encampments," Orange County Register, March 8, 2018.
11. Steve Large, "Debris From Homeless Camps Ending Up In Local Waterways After Storms," CBS Sacramento, Jan. 9, 2018.
12. Lane Anderson, "Saving 'Throwaway Kids.' in Los Angeles, sex trafficking doesn't look like it does in the movies," Deseret News, December 31, 2015
13. Bigad Shaban, Robert Campos, Anthony Rutanashoodech, Mark Villarreal and Jeremy Carroll, "Mayor Breed's First Year: Feces, Needles Complaints Decline; Trash Gripes, Homelessness Rise," NBC Bay Area, July 10, 2019.

cc via email: Dick Scott

A photograph of a man wearing a red beanie and a dark jacket, looking down. He is standing on a city street with a concrete overpass and trees in the background. The lighting is soft, suggesting late afternoon or early morning.

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%

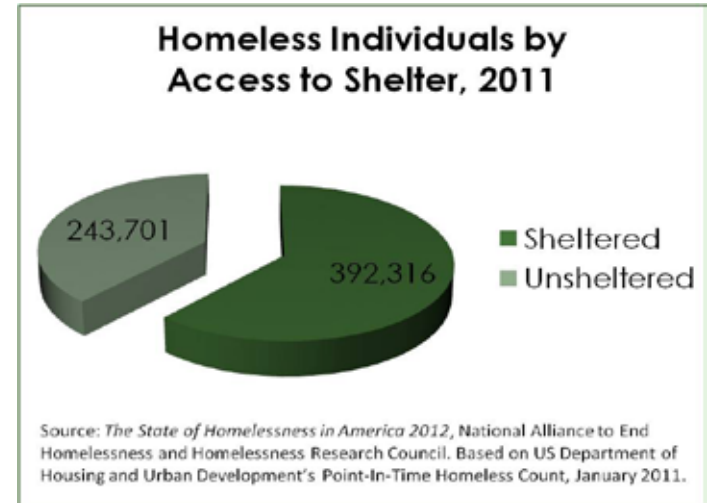
Source: *The State of Homelessness in America 2012*, National Alliance to End Homelessness and Homelessness Research Council. Based on US Department of Housing and Urban Development's Point-In-Time Homeless Count, January 2011

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.

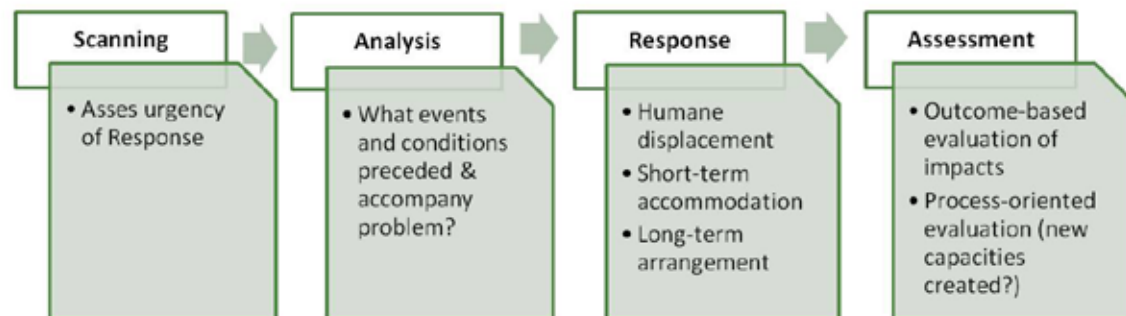
The first step, **Scanning**, involves determining the nature and extent of the problem. For a homeless encampment, it includes identifying whether there is a critical safety issue that needs to be addressed immediately or whether you have more time to craft a response.

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.

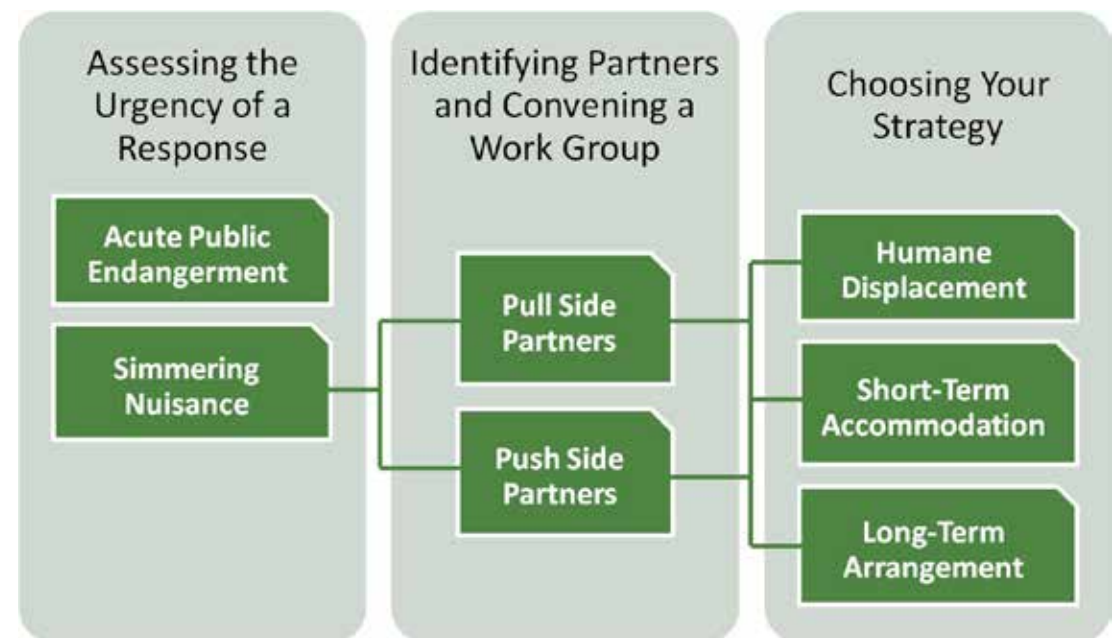




Photo credit: © track5, <http://www.iStockphoto.com>

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: © Berry spun 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://tentcitiestoolkit.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

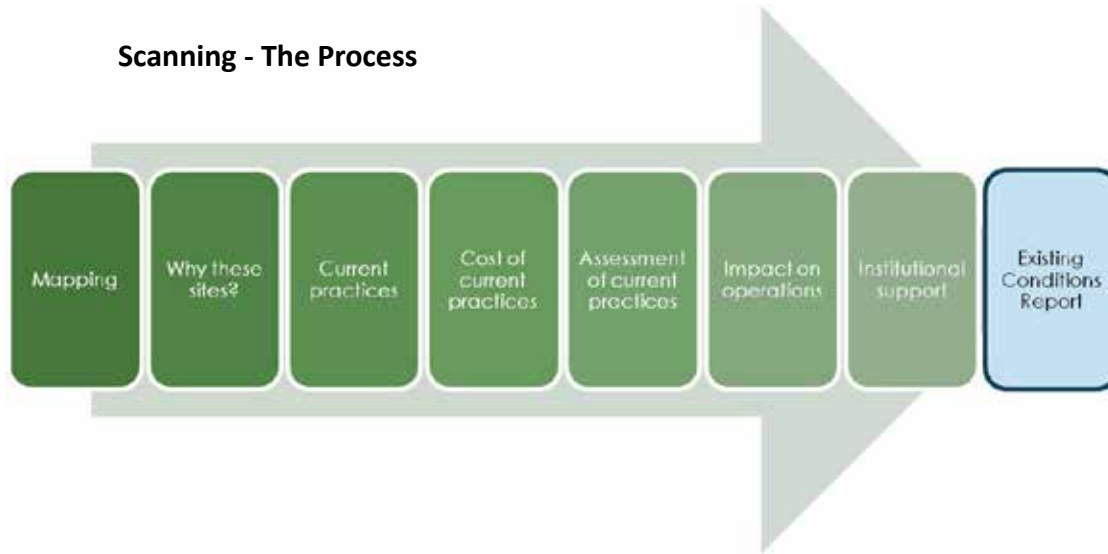
On a map of the district or region, staff should indicate the principal places where they have encountered homeless encampments. They could then number the sites and provide the following information for each:

- 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

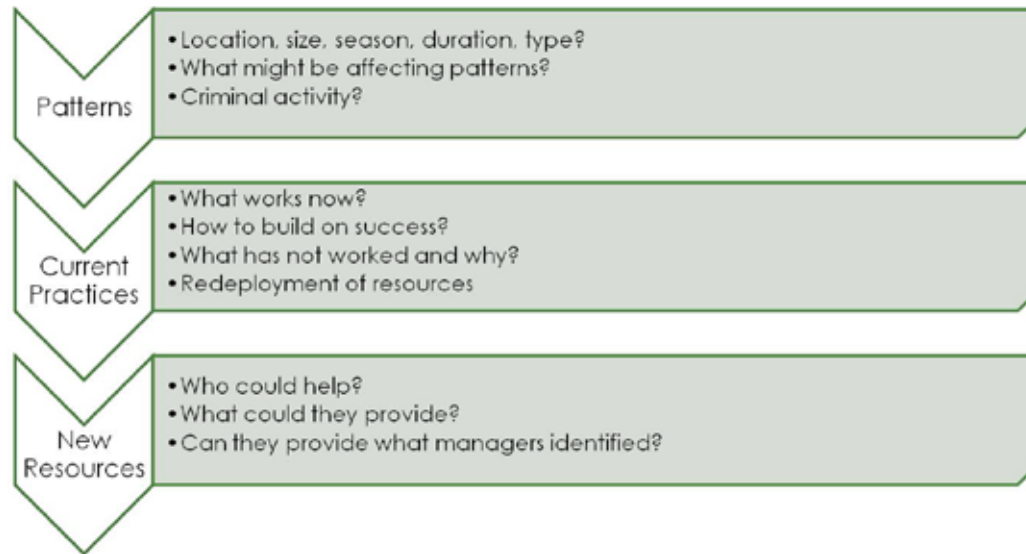
The first task of your advisory committee is to review the Existing Conditions Report to help you analyze the results and place them in a larger context. Potential questions to consider include:

- 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)