



Memorandum

**TO: RULES & OPEN
GOVERNMENT
COMMITTEE**

FROM: Councilmember Johnny Khamis
Councilmember Raul Peralez
Councilmember Dev Davis
Councilmember Maya Esparza
Councilmember Pam Foley

**SUBJECT: ESTABLISHING
ENCAMPMENT BLIGHT &
BRUSH REMOVAL
AGREEMENTS**

DATE: August 26, 2020

APPROVED:

Pam Foley

DATE

Johnny Khamis

Maya Esparza

Raul Peralez
Dev Davis

RECOMMENDATION:

Direct Staff to coordinate and draft a preliminary agreement with Caltrans for the purpose of enabling the City of San Jose to arrange for blight and brush removal at homeless encampments on Caltrans-owned property within City limits in exchange for cost reimbursement.

BACKGROUND:

Since the start of the County-wide Shelter-in-Place order that took effect on March 17th, the City of San Jose, and other agencies maintaining properties within City limits, suspended all encampment abatements. In the five months that have passed, our constituents have repeatedly contacted our offices to express their frustration with the growing volume of trash and increasingly blighted encampments that have gone unaddressed due to their presence on Caltrans' highway-adjacent facilities – particularly on-ramps, under overpasses, and areas along highway sound walls. Additionally, the lack of vegetation maintenance around encampments has created hazardous fire conditions endangering the safety of the City's unhoused community as well as surrounding neighborhoods.

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Allowing the status quo to continue is not a sustainable option - it has too many negative consequences including fire hazards, public health consequences, and pest infestations. Our residents are more concerned with seeing solutions than hearing about our cross-jurisdictional issues. We cannot resign ourselves to inaction on account of another agency bearing technical responsibility. We need to find ways to take action when the responsible agencies are unable or unwilling to do so.

On their website, San Jose Spotlight featured an August 3rd story of a San Jose family that fell victim to the status quo:

"It was a ticking time bomb. Brush covered the ground, people flicked cigarettes out of cars and the sun glared down on land by Interstate 280 in San Jose.

Alexis Cook, 26, who lived with her daughter and stepfather near Interstate 280 and CEFUCU Stadium, knew someone had to clean up the dried needles dropping from several pine trees directly behind her home.

Even though residents sent numerous emails demanding something be done, neither Caltrans nor the city took action. A fire burned down Cook's home Monday... Cook said she barely escaped the house with her 3-year-old.

'It was a difference between 5 minutes. If we would had still been in the shower, getting dressed for the evening, we wouldn't have made it out,' she said.

The fire was the result of what residents say was consistent negligence by Caltrans and the city to clean up brush from the area.

In turn, the brush scattered off the freeway provided fresh fuel for a blaze, and residents said homeless residents from nearby encampments often started fires near the houses bordering Interstate 280.¹



Alexis Cook observes the remains of her kitchen after it was destroyed by a brush fire in San Jose. Photo by Luke Johnson.

¹ <https://sanjosespotlight.com/fire-victims-say-san-jose-caltrans-failed-to-heed-warnings-to-clear-debris/>

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The following quotes from the Spotlight story accurately reflect the frustrations exhibited by residents citywide that have flooded our voicemails and inboxes, and apply equally to other locations all across our city:

1) *“The city always uses the excuse ‘Oh, it’s Caltrans land,’ but obviously they’re right next to each other and it runs right through the city, and people from the city are being affected by the negligence of Caltrans.”*²

2) *“ ‘The city, every time we complain, they say we can’t do anything about it because it’s a state problem,’ ... ‘The state always tells us they don’t have jurisdiction over all these homeless encampments. So, they’re both kind of pointing the finger at each other.’ ”*³

3) *“ With the pine needles [or any vegetation] as tinder, residents and property owners said any ember can spark something destructive. Oftentimes, people will melt down copper in the brush or drivers will flick cigarettes out their cars...Cutting off the fuel source would reduce the risk of disaster.”*⁴

Our residents take pride in San Jose and they reasonably expect an acceptable level of services from their government, not excuses, for issues immediately affecting public safety, quality of life, and the blight that degrades our safety and the beauty of our City. As elected leaders, our constituents look to us for leadership and action. True public service lies not in seeking excuses for avoidance of action and responsibility, but in creating solutions when none yet exist.

For this reason, the signers of this memo submit this memo to initiate this urgent priority as stated in the recommendation.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member’s staff, concerning any action discussed in the memorandum, and that each signer’s staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member’s staff.

² <https://sanjosespotlight.com/fire-victims-say-san-jose-caltrans-failed-to-heed-warnings-to-clear-debris/>

³ Ibid

⁴ Ibid