Washington State
Department of Transportation

WSDOT's Guidelines to Address Illegal Encampments within State Right of Way

August 22, 2008

Purpose

It is WSDOT's intent to preserve the health and safety of all WSDOT employees and members of the public who are involved with and affected by our work. Loitering or trespassing on WSDOT Right of Way is against the law. WSDOT works with law enforcement to make sure WSDOT right of way is used as it is intended.

Areas within WSDOT right of way that are frequented by illegal campers may contain biological and physical hazards in addition to the situations normally associated with construction and maintenance work.

To decrease these risks we will:

- Identify areas of concern during project design and operations activities planning
- Develop site specific pre-activity safety plans for work in areas that WSDOT frequently encounters illegal campers.
- Provide guidelines or specifications in construction contracts and operations plans for the humane and respectful consideration of the illegal campers and their personal items
- Provide guidelines or specifications in contracts and operations plans for the safe removal and disposal of biohazards in identified areas

These Guidelines form the basis for WSDOT work on state-owned right of way, and will be revised as necessary to meet the current situation and to reflect the available resources, including budget and staffing. Each Region may exercise its discretion to deviate from these Guidelines if the Region determines that coordination with a local jurisdiction on a specific clean-up activity is the best course of action under the circumstances. However, the activity shall be at least as effective as the provisions contained in these Guidelines.

1. **Planning**
   - Ensure construction contracts include contract specifications to address the known trespassing conditions.
   - Prior to starting work, require crews to review the appropriate pre-activity safety plan that deals with working in areas with illegal campers. Educate employees on proper methods of communication and interaction with the illegal campers.

- Review the work schedule and determine work activities that fall within areas frequented by the illegal campers.
- Determine dates when work will occur in those areas
- When emerging issues, such as storms, accidents, or safety issues arise, advance notification is not required. Prepare, review and follow the preactivity safety plan.

2. **Communication**
   - Establish who is responsible for contacting the local jurisdiction.
   - Coordinate internally with other WSDOT staff, working in the same vicinity, and region maintenance, who may already be communicating or meeting with social service providers.
   - When creating public communication materials, such as construction alerts and clean-up notification signs, consider translation needs and reading levels. Keep the information simple, direct and easy to understand. Use symbols and graphics if possible.
   - Consider requesting social service organizations, including shelters and free health clinics, to post notices of upcoming work at their facilities and on their organization's Web sites.
   - Document communications effort – who was notified, when they were notified, and a summary of the communication.
   - Each maintenance area or project office shall appoint a contact responsible for encampment removal issues.

3. **Clearing Areas of Concern**

   A) Maintenance Activities

   WSDOT's maintenance operations activities differ from construction projects. Contractors may be unfamiliar with specific site conditions or areas that are not frequently cleared. Maintenance clean-up operations activities are often in response to complaints from the public and business owners.

   Several maintenance functions that place our crews in potential contact with illegal campers include:
   - routine mowing
   - removing noxious and nuisance vegetation
   - improving access to road maintenance features such as ditches, catch basins, drains, unstable slopes, fire hydrants, and ornamental and native vegetation
   - express lanes operations
   - bridge inspection

- vacant building inspection
- electrical systems maintenance
- clearing incident scenes

Pre-activity safety plans shall take into consideration the potential for interaction with the illegal campers.

The 72 hour notification protocol as described in Section 3.B. below will be used whenever possible and practical. If immediate removal of an encampment becomes necessary, we will attempt to notify the local human service advocates prior to clean-up and starting our work.

It may not be feasible to post all sites 72 hours before maintenance activities. Crew scheduling, emergency repairs and removal of nuisances are examples where the maintenance activity cannot wait or be predicted. Sites where maintenance occurs on a frequent but random basis will be posted "No Trespassing."

To ensure the safety of WSDOT and all parties, law enforcement may be used to remove illegal campers or those loitering on State right of way.

B) Construction Activities

These activities usually allow for more planning and time for notification procedures to take place.

- At least 72 hours prior to activities, such as brush clearing, post signs in the work area. The signs will include dates and locations of the activity and state that trespassing is not authorized. Keep the signs posted throughout the activity. Notify the local jurisdiction by email that the activity is taking place.
- Conduct a visual reconnaissance of the area at least 72 hours in advance to determine type of clean up and removal effort needed.
- At the same time the signs are posted, provide notification to advocacy groups by email of WSDOT's intent to clear the encampment and enlist their help in the process of notification and relocation.
- Immediately before brush clearing or other activity, visually inspect the area. Crews should carefully look for signs of illegal encampments prior to performing any work. Trails into the brush, and signs of an encampment, such as tarps or other temporary structures, are indications that people may be present. Continue monitoring throughout each day – especially after long work breaks.

- Consider using detection aids such as infrared devices or other non-intrusive devices to conduct a sweep of the area before any physical work or machine activity is started.
- On a daily basis, inspect in and around heavy equipment and other concealed places before commencing work. Do not assume that the noise of equipment or machinery will alert an unauthorized person to the hazards of the work.
- Always check areas in pairs, never alone.
- When approaching an area, talk loudly to make people aware that workers are in the area.
- Identify yourself and state that you are with WSDOT or the construction team and not law enforcement.
- Never touch blankets or reach into a bag or clothing without proper protection. Wear proper safety equipment.
- Request law enforcement assistance if needed.
- Clear the area of all biohazards. All biohazard material and garbage collected from the site will be disposed of at an appropriate disposal site.
- If personal items remain on-site, WSDOT staff or contracted agents will remove the material in accordance with Section 5 below.
- After removal of encampments, WSDOT shall revisit the site at regular intervals. If encampments in the area persist, WSDOT will permanently post the site, with "no trespassing" signs, and removal efforts may proceed without 72 hour notification.

4. Securing the Area

- After clearing the area of all biohazards, secure the area with fencing if necessary and practical. An off-duty police officer or security patrol can also be used to secure the work area.
- Communicate with advocacy groups for their advice and assistance in getting the word out to the community about construction activities.
- Maintain security of area until work is complete. It may be necessary to conduct additional clearing of biohazards, visually survey the area, or use infrared detection equipment to clear the work zone.

5. Removal of Refuse and Personal Property from Active Encampments and WSDOT Right of Way

- WSDOT maintenance offices or contracted agents will schedule the removal of material remaining at the site.
- Garbage and refuse will be removed and disposed of off-site.

- WSDOT intends to follow the applicable provisions of RCW 63.21.060 and RCW 63.32.010 with respect to the acquisition of lost property found within WSDOT right of way. The right of way includes encampment areas and public passageways, such as streets and sidewalks within WSDOT's jurisdiction.
- Lost personal property may include radios, audio and video equipment, sleeping bags, tents, stoves and cooking utensils, lanterns, flashlights, bed rolls, tarps, foam, canvas, mats, blankets, pillows, medication, personal papers, photographs, books and other reading materials, luggage, backpacks or other storage containers, clothing, towels, shoes, toiletries and cosmetics, clocks and watches, and eye glasses.
- At least 72 hours prior to clean-up activities, WSDOT shall post a notice at the encampment area that contains the following information:
    - Identification of WSDOT as the agency responsible for the clean-up;
    - Date the notice was given;
    - Date or dates on which the clean-up will occur;
    - Phone number for storage location. The storage location may be a local WSDOT facility or other local site as designated by WSDOT;
    - That the items will be stored for a maximum of 70 days and if unclaimed within that time, will be disposed of by WSDOT.
- Personal property items that are not refuse, contaminated, illegal, or hazardous shall be placed in large transparent plastic bags. Reasonable efforts should be made to place all items from each camp or sleep site into a separate bag. The personal property will be inventoried to include the date, location and brief description of the item that was placed in the bag. WSDOT staff and its contracted agents shall not open closed items of personal property, unless in their determination it is necessary to do so to protect public safety.

6. Storage and Return of Personal Property

- WSDOT maintenance offices or contracted agents will schedule the storage and return of personal property.
- WSDOT shall use reasonable efforts to protect the personal property from adverse weather conditions.
- When a person comes to retrieve the items of personal property, he or she must identify them. The employee may not require the person to show personal identification, but the person must be able to identify

key items. A log shall be maintained that reflects that the person has reclaimed his or her property.

- For a period of not less than ten (10) days after acquisition of the property, WSDOT shall attempt to notify the apparent owner of the property and make arrangements for the return of the item, regardless of the value of the item.
- If the property is not returned to a person validly establishing ownership or right to possession of the property, WSDOT shall retain the property for an additional sixty (60) days. If the property shall remain unclaimed during the additional sixty (60) day period, and has no substantial commercial value, WSDOT may dispose of the property in a manner it deems appropriate.