

MAINTENANCE POLICY DIRECTIVE	NUMBER MPD 1001-R1	PAGE 1 OF 7
	DATE ISSUED 10/10/2022	EFFECTIVE DATE 10/10/2022

SERGIO ACEVES
Chief, Division of Maintenance

SIGNATURE
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SUBJECT
Division of Maintenance - Encampment Removal Policy

DOES THIS DIRECTIVE AFFECT OR SUPERSEDE ANOTHER DOCUMENT? YES NO

IF YES, DESCRIBE
Volume 1, Chapter 1, section 1.07.3
MPD 1001, issued August 16, 2010
MPD 2002-R9

WILL THIS DIRECTIVE BE INCORPORATED IN THE MAINTENANCE MANUAL? YES NO

IF YES, DESCRIBE
Volume 1, Chapter 1, section 1.07.3
This policy facilitates transportation, access and safety needs while providing guidance regarding encampment removal operations. To whatever extent the Maintenance Manual or other guidance is in conflict, this policy takes precedence.

DIRECTIVE
The California Department of Transportation (Caltrans) does not permit encampments on its Right-of-Way. Caltrans' goal is to maintain the integrity of the transportation network. Encampments degrade highway infrastructure and impact the maintenance and operation of the highway facilities. Removal of encampments mitigates health, safety, access, and concealment issues for Persons Experiencing Homelessness (PEHs), the traveling public, adjacent neighborhoods, Caltrans staff and first responders. For these reasons, Caltrans' Right-of-Way is not suitable for encampments. This policy facilitates transportation, access and safety needs while providing guidance regarding encampment removal operations. To whatever extent the Maintenance Manual or other guidance is in conflict, this policy takes precedence.

- A. Site Assessment** - When feasible, a site assessment should be performed by Maintenance staff and include:
1. Prioritization of each encampment as either a Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) or a Priority Level 2 (Removal Needed).
 - a. Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) - Critical circumstances exist when an encampment poses an imminent threat to life, health, safety, or infrastructure and must be immediately addressed. This is limited to exigent circumstances. Non-exclusive examples include: the encampment is on or near an unstable structure at risk of collapse; the encampment is close to traffic and the PEH in the encampment are at immediate risk of getting hit by vehicles; PEH are living within a confined space, such as a bridge cell.
 - b. Priority Level 2 (Removal Needed) - All other encampments.

B. Site Assessment Action Items and Considerations

1. When appropriate, the California Highway Patrol (CHP) should be contacted in advance to assist in initial site assessment.
2. The District Encampment Coordinator or staff should contact service providers and request outreach services for PEH at the encampment.
3. District Hazmat Coordinator or other hazmat-trained staff should evaluate the site for any hazards unique to the encampment that will require specialized hazardous materials handling, disposal, or site remediation.
4. If appropriate, the District Landscape Architect or designee should evaluate potential mitigation efforts related to landscaping to prevent future encampments.

C. Notice

1. Priority Level 1
 - a. No advance posted Notice to Vacate is required.
 - b. CHP should be present during operations.
 - c. If circumstances reasonably allow for advance notice, then give as much advance notice as is reasonable under the circumstances, to be determined on a case-by-case basis.
 - d. If advance written notice is not given and if property was collected during the removal, an after encampment “removal advisory” shall be posted in a prominent location near where the encampment was removed providing information describing where items were removed from, a contact phone number for reclaiming collected property, including the date by which property must be reclaimed.
 - e. Time-stamped photographs or videos should be taken of the “removal advisory.”
 2. Priority Level 2
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- a. Post Notice to Vacate at least 48 hours before beginning encampment removal.
 - b. CHP shall be present during the posting of Notice to Vacate.
 - c. Location of Posted Notice to Vacate - Written Notice to Vacate should be posted at each major point of ingress/egress in a conspicuous manner.
 - d. If prevented from posting the Notice to Vacate because of hostility, interference, or any other action from persons on site, posting should not be attempted until CHP mitigates the situation.
 - e. Time-stamped photographs or videos should be taken of the posted Notices to Vacate.
3. Paper Notices to Vacate should be enclosed in sheet protectors to protect against weather.
 4. Paper Notices to Vacate shall be filled out completely and include:
 - a. Posting date and time.
 - b. Location.
 - c. "Vacate by" date and time.
 - d. Telephone number for assistance in obtaining property collected during a removal.
 - e. Date by which property must be collected from Caltrans before it is discarded.
 - f. Removal start and end dates.

D. Removal Operations

1. Before work at encampment site, CHP shall be present. Do not begin removal operations when PEH are in the immediate vicinity. Any PEH who remain on site when Caltrans or its contractors arrive to begin the removal shall be given a reasonable amount of time to remove possessions before any removal begins.
 2. Where advance written notice is given, removal work shall begin on the date written on the Notice to Vacate and shall begin no earlier than the time written on the Notice to Vacate. If removal work does not begin on the date written on the Notice to Vacate, the location must be reposted before removal operations may begin. If prevented from removal work because of hostility, interference, or any other action from persons on site, removal work should not be attempted until CHP mitigates the situation. No further posting is necessary once Caltrans workforce and/or contractors arrive for removal operations and will continue from day to day until completed.
 3. Time-stamped photographs or videos should be taken before, during, and after removal work has been completed.
 4. Hazardous Materials trained personnel should evaluate the site to identify and plan for removal of any hazardous materials.
 5. When possible, equipment should be used to gather, pile, and load encampment debris to reduce exposure and contamination.
 6. Any personal property that is collected should be stored in a secured location by Caltrans for not less than 60 days, then discarded if not claimed.
 7. Collected personal property should be time-stamped photographed and shall be inventoried by
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describing and labeling the items and identifying the encampment location and the removal date.

E. Items To Be Collected (Bagged and Tagged) and Stored

1. Personal property that is not a health or safety hazard, in plain sight, shall be collected, labelled, and stored. Caltrans employees and contractors shall collect the following items:
 - a. Items of apparent value - defined as items having an apparent value of \$50 or more.
 - b. Items of apparent personal value including but not limited to:
 - i. Eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment.
 - ii. Tents (habitable and uncontaminated).
 - iii. Personal papers such as photographs, albums, ID's, bank statements, legal papers, etc.
 - iv. Bicycles, scooters, strollers in good repair.
 - v. Backpacks and containers that appear to be in good condition and have been determined by a Caltrans hazmat contractor to be free of materials described in Section F(1)(a)-(f) below. [Caltrans's current policy is not to collect backpacks and closed containers due to potential safety issues].
2. Due to the exigent circumstances surrounding Priority Level 1 removals, it may not be possible to collect, label and store items.

F. Items That Will Not Be Collected

1. Items that present an immediate health or safety risk, such as:
 - a. Toxic sharps: needles, scissors, knives.
 - b. Chemicals: bleach, paint, oils, etc.
 - c. Items (including bedding and clothing) soiled by infectious materials: human waste, bodily fluids.
 - d. Moldy, mildewed items.
 - e. Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
 - f. Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
 - g. Backpacks and closed containers that have been determined by a Caltrans hazmat contractor to contain items listed in (a)-(f) above or items (3), (4), (5), or (6) below. Such backpacks and closed containers may be discarded where no hazmat contractor is present to make a determination.
 - h. If personal belongings are co-mingled or littered with needles, human waste, or other health risks, employees/contractor may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
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2. Mattresses: furniture with fabric, padding, or is porous; sheds, structures, rolling structures, and bulky items. Sheds, structures, or rolling structures may be demolished if not removed by PEH prior to the encampment removal. A “bulky item” is any single item that is over 50 pounds and requires more than two persons to safely lift.
 3. Perishable items, perishable food.
 4. Controlled substances, drugs with or without prescription and medications of any kind. [Should be handled by hazmat trained personnel and/or by CHP.]
 5. Contraband, weapons and illegal items. [Should be addressed as provided in the Maintenance Manual and/or as directed by CHP.]
 6. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture which constitutes abandoned property or trash.
 - a. If employees/contractors have a reasonable doubt as to whether an item constitutes trash, it should be collected and stored. Employees/contractors should exercise their best judgment in determining which items should be collected and stored.
 7. Motor vehicles should be handled as provided in the Vehicle Code.

G. Reclaiming Collected Personal Property

1. Persons attempting to retrieve property collected during a removal operation shall give the location of the encampment where the property was collected, describe where and when the personal property was last in their possession, and provide a description of the item(s). The person retrieving property shall sign and date a document acknowledging receipt of the property. If requested, a receipt should be given to the person retrieving property.

H. Record Keeping

1. An After-Action Report should be submitted to the Headquarters office handling encampments (currently the Office of Homelessness & Encampments, aka OH&E) within one week of a completed encampment removal.
 2. A file should be created for each encampment removal and retained for 4 years, and should contain:
 - a. Photographs and/or videos taken in connection with the removal effort.
 - b. Writings reflecting assessments, evaluations, summaries, receipts and notices connected with the encampment removal, items collected, and items retrieved, if any.
 - c. Name(s) of the contractor(s) involved in the removal.
 - d. Name(s) of the social service providers.
 - e. MAZEED Daily Report forms and, if not reflected on the form, names and badge number(s) of CHP or other law enforcement involved in the encampment removal.
 - f. Completed Encampment Removal Request Forms.
 - g. Collected Personal Property Forms and receipts.
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Attachment(s):



DEFINITIONS

When used in this Maintenance Policy Directive, the text shall be defined as follows:

- 1) **Standard** - a statement of required, mandatory, or specifically prohibited practice. All standards text appears in **bold** type. The verb **shall** is typically used. Standards are sometimes modified by Options.
- 2) Guidance - a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgement or engineering study indicates the deviation to be appropriate. All Guidance statements text appears in underlined type. The verb should is typically used. Guidance statements are sometimes modified by Options.
- 3) Option - a statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements text appears in normal type. The verb may is typically used.
- 4) Support - an informational statement that does not convey any degree of mandate, recommendation, authorization, prohibition, or enforceable condition. Support statements text appears in normal type. The verbs shall, should and may are not used in Support statements.