

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 569 (Blakespear) – As Amended April 21, 2025

SENATE VOTE: 38-0

SUBJECT: Department of Transportation: homeless encampments

SUMMARY: Allows a local government to use its homeless encampment abatement policies and personnel to address encampments within the state highway system and requires the California Department of Transportation's (Caltrans) to establish a dedicated liaison to collaborate with local governments. Specifically, **this bill:**

- 1) Authorizes Caltrans to execute a delegated maintenance agreement (DMA) that allows a local agency to use its own homeless encampment abatement policies and procedures to address encampments within the state highway system.
- 2) Requires Caltrans to establish a dedicated liaison to do all of the following:
 - a) Facilitate communication with local governments and relevant state agencies to address homeless encampments within the state highway system;
 - b) Provide guidance and support for implementing best practices to address homeless encampments within the state highway system;
 - c) Oversee the development and implementation of DMAs, which are defined as contracts between Caltrans and a local government in which both work to reduce and remove encampments within Caltrans' jurisdiction;
 - d) Review existing practices and contracting to maximize efficient abatement and clearing of homeless encampments;
 - e) Create a publicly accessible digital collection of executed DMAs entered into by Caltrans, including information regarding the geographic location, funding allocation, and activities conducted for each agreement; and,
 - f) Collaborate with local governments to develop timelines for Caltrans responses to requests from local governments for encampment removal, and consider prioritizing encampments that pose environmental hazards, such as those that may lead to heightened fire risk.
- 3) Allows Caltrans, upon appropriation of funds, to reimburse local governments for services rendered pursuant to a DMA, including outreach and support programs, environmental cleanup and restoration, homeless encampment abatement, trash removal, and graffiti abatement.
- 4) Authorizes Caltrans to grant a single general entry permit for the duration of an agreement to conduct activities pursuant to the bill.

- 5) Require Caltrans to submit an annual report to the Legislature summarizing the number of homeless encampments addressed through collaboration with local governments, and recommendations for improving coordination and resource allocation to address homeless encampments.

EXISTING LAW:

- 1) Vests the full possession and control of all state highways and all property and rights in property acquired for state highway purposes to Caltrans. (Streets and Highways Code Section (SHC) 90)
- 2) Tasks Caltrans with improving and maintaining the state highways. (SHC 91)
- 3) Grants California Highway Patrol (CHP) the full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents, on all toll highways and state highways constructed as freeways, including transit-related facilities located on or along the rights-of-way of those toll highways or freeways. (Vehicle Code Section VEH 2400)
- 4) Allows city police officers, while engaged primarily in general law enforcement duties, to incidentally enforce state and local traffic laws and ordinances on toll highways and state freeways within incorporated areas of the state. (VEH 2400)
- 5) Creates the California Interagency Council on Homelessness (Cal-ICH) and requires it to set and measure progress toward goals to prevent and end homelessness in California. (Welfare And Institutions Code Section (WIC) 8255)
- 6) Authorizes Caltrans and any county, city, or joint highway district to enter into a contract in respect to the proportion of the expense of the acquisition, construction, improvement or maintenance of any state highway to be borne by the respective parties to such contract. Any such contract may provide for the advancement of funds, for the acquisition of rights of way and for the doing of the work, or any portion thereof, by any party to the contract, pursuant to the laws governing such party with reference to such type of acquisition or such character of work. (SHC 130)

FISCAL EFFECT: According to the Senate Committee on Appropriations:

“Ongoing Caltrans costs of approximately \$200,000 annually to establish a new dedicated liaison position to collaborate with cities and counties on addressing homeless encampments, oversee the development and implementation of delegated maintenance agreements, create a publicly accessible collection of executed agreements, and submit an annual report to the Legislature, among other things. (State Highway Account)

Unknown significant cost pressures, potentially in the tens of millions annually, to provide funding to reimburse local agencies for services rendered pursuant to delegated maintenance agreements. (General Fund)”

COMMENTS: Caltrans maintains possession and control of all state highways, property acquired for state highway purposes, and is authorized to remove any encroachment in, under, or over any state highway. Additionally, Caltrans is required to improve and maintain the state highway system, and is authorized to enter into a contract with any city or county for the acquisition, construction, improvement, or maintenance of any state highway.

California's 2024 federally required "point-in-time" count of people experiencing homelessness on a given night reported 187,000 people experiencing homeless—an all-time high for the state, and 36,000 (24%) more than were counted in January 2019. Two-thirds of those counted were "unsheltered," such as people living on the street or in a park. The other one-third were identified as "sheltered homeless," meaning they were spending the night in an emergency shelter or other temporary housing. California represents 12% of the total population of the United States, and accounts for approximately 25% of the country's homelessness count.

A homeless encampment is a makeshift outdoor living space, often temporary, where one or more persons experiencing homelessness reside, typically without permission from the property owner. Encampments can be found on public or private land and usually consist of tents or other structures. Residents of encampments generate solid waste during daily activities of food preparation and consumption, shelter building and maintenance, storing possessions, eliminating unwanted materials, and gathering recyclable materials of value. This often results in sources for vectors and related pathogens, sources of odors, fuel for fires, and potential sites that can cause bodily injuries. Research shows that freeway environments offer certain benefits for individuals experiencing homelessness, including separation from neighborhoods, shelter under bridges, and community amongst those living there, but that these locations can be dangerous to residents, pedestrians, and infrastructure.

Between July 2021 and May 2025, over 16,000 homeless encampments and over 311,873 cubic yards of waste and debris were cleared from sites along Caltrans right of way (ROW). In fiscal year 2024, Caltrans removed a record 7,083 encampments.

Federal and state guidance on encampments on state right-of-way. In 2022, Caltrans issued "Maintenance Policy Directive 1001-R1 - Encampment Removal Policy" to its encampment removal operations on Caltrans' ROW. The directive prioritizes the safety of both the individuals in encampments and the general public, emphasizing the need for a coordinated and humane approach to encampment removal. It also highlights the importance of maintaining the integrity of transportation infrastructure.

Caltrans' response to encampments includes a minimum of 48 hours written notice before removing an encampment, coordination with social service agencies to offer outreach services, property storage of items collected for a designated period, and debris and trash removal guidelines to prevent environmental damage and stormwater runoff issues. Caltrans' response involves coordination between state and local law enforcement, government agencies, and service providers, and can take between two days and two weeks.

Encampments assessed as "Priority Level 1" pose an immediate threat to life, health, safety, or infrastructure and must be immediately addressed. Examples of "Priority Level 1" sites include an encampment that is on or near an unstable structure at risk of collapse or an encampment that is close to traffic and the individuals living in the encampment are at immediate risk of getting

hit by vehicles. Encampments assessed as “Priority Level 2” and do not pose an immediate threat and may take longer for Caltrans to address.

On June 28, 2024, the United States Supreme Court ruled 6 to 3 in *City of Grants Pass v. Johnson* that cities may enforce anti-camping ordinances against homeless individuals, even when adequate shelter is unavailable. The ruling finds that arresting and fining people experiencing homelessness who are camping and sleeping in public spaces does not violate their Eighth Amendment rights against cruel and unusual punishment. This decision has facilitated cities and counties clearing homeless encampments and imposing penalties for violations.

On July 25th, 2024, Governor Newsom signed Executive Order (EO) N-1-24, which directs state agencies to develop policies to prioritize addressing encampments on state property while providing reasonable advance notice and partnering with shelter and services providers. The EO also encourages local governments to adopt similar policies, and to use all available resources and infrastructure, including the resources provided by the state, to take urgent action to humanely remove encampments from public spaces.

State funding to address local homeless population. Since 2021-22, the Legislature has provided a total of \$900 million General Fund through four rounds of funding for the Encampment Resolution Funding (ERF) program, with an additional \$100 million in the Governor’s budget planned for a fifth round of funding in 2025-26.

ERF provides competitive grants to cities, counties, and local Continuums of Care to address “critical encampment concerns” in their communities and transition unhoused individuals to safe and stable housing, with a focus on permanent housing. Applicants for an ERF grant identify the specific encampment or encampments they wish to resolve and provide plans on how they will use requested grant funds and other funding, including local funds, to connect the people in the specified encampment with services and housing. Beginning in 2023-24, some ERF budget funding has been set aside for local partnerships with Caltrans to address encampments fully or partially within the state highway system.

Separately, the 2021-22 and 2022-23 budgets provided Caltrans \$2.7 million General Fund annually for 20 encampment coordinator positions. This amount was increased to \$4.5 million annually from 2023-24 through 2025-26 to expand Caltrans’ encampment coordinator team to 30 positions. As a result of this funding, Caltrans established an Office of Homelessness and Encampments within its Maintenance Division. Encampment coordinators are tasked with managing homeless encampment cleanups within the state highway system by working with Caltrans’ maintenance staff, local governments, law enforcement, and service providers. Caltrans is required to submit a report to the Legislature by January 1, 2026 that summarizes the outcomes of the encampment coordinator team.

Local efforts to address homelessness and working with Caltrans. Currently, a DMA allows a local government to perform maintenance activities on state highways within its jurisdiction. This delegation shifts some maintenance responsibilities from Caltrans to the local entity, often a city or county. The agreement outlines specific tasks, responsibilities, and procedures for the local agency to follow, ensuring the highway is maintained to Caltrans' standards, and that encampment abatement follows Caltrans’ guidance around protection of life, health, safety and infrastructure. A number of cities across the state are in current negotiations with Caltrans on a final or updated DMA, including San Jose and San Francisco. A number of cities already

maintain a DMA with Caltrans including Los Angeles. It is the understanding of the committee that the city of San Diego, this bill's sponsor, has been in negotiation with Caltrans for over six months regarding a DMA and that the agreement is in the process of being finalized. This is a typical timeline for a DMA. Los Angeles' agreement, for example, took approximately one year to finalize with Caltrans.

Local agencies adopt their own local encampment abatement policies, which are considered during the DMA negotiation. Many of these policies center on location-specific camping bans, such as bans on encampments on sidewalks, parks, and transportation hubs. Some policies detail procedural protections, such as noticing requirements for individuals living in the encampments. Unlike Caltrans' policy, some cities have limited or no protections to ensure due process for people experiencing homelessness. The city of San Diego, for example, provides 24 hours written notice to the individuals living in the encampment before abatement begins. Additionally locals would rather local law enforcement officers be present at encampment removals, rather than California Highway Patrolmen (CHP).

According to the author. "Across the state, tens of thousands of people live unsheltered on city streets, in public parks and riverbeds, and near state highways. Many cities have developed robust programs to restabilize and rehouse people living in encampments. These programs are effective at resolving encampments on municipal property, but cities have run into challenges when working with the Department of Transportation, otherwise known as CalTrans, to address encampments on highways. CalTrans' process for addressing encampments does not have clear timelines and is prone to delay due to bureaucratic hurdles. While many cities are able to clear encampments on city land within less than a week, CalTrans has taken up to two months to respond to encampments on its property. This is problematic because of the environmental and public safety hazards these encampments create. The City of San Diego's Fire Department reported that encampments on state highway land caused close to 60 fires that cost the City a total of \$2 million to respond to in the last three years. This is unacceptable. CalTrans should be working arm-in-arm with local agencies to resolve encampments and move people into housing expeditiously. SB 569 would direct the department to set clear timelines for resolving encampments and to prioritize encampments that pose environmental hazards, like fire risks; it also would authorize the department to allow local agencies it contracts with to use their own encampment resolution programs and policies on state highway land."

Committee comments. This bill allows locals to utilize their own homeless encampment abatement policies and personnel on Caltrans' right of way (ROW), allows one permit for all activities included in the DMA, and allows Caltrans to reimburse the local for these activities. The author and sponsor state the intent of this bill is to speed up the process for removing encampments the local government's jurisdiction, that are on Caltrans' ROW. The author and sponsor want to use local government resources and policies to clear these encampments quickly, rather than having to wait a few weeks for Caltrans to coordinate a response across governments, law enforcement, and service providers. Caltrans asserts that without robust service provider engagement, individuals living in the encampments will move to another nearby area and establish a new encampment in a matter of days.

While seemingly lengthy, Caltrans' process for encampment abatement has been effective, and continues to improve. The state has invested significant policy and monetary resources into addressing homelessness, in consultation with local priorities, and this issue remains the number one priority of the current Governor.

While encampments on state roads may be within the local boundaries, they are on state ROW, and it is the state's policies which should dictate the removal of homeless encampments. In order to facilitate coordination between state and local policies on encampment abatement, the committee may wish to amend the bill as follows:

- 1) Establish findings and declarations related to Caltrans' existing work on homeless encampments.
- 2) Define "Delegated maintenance agreement," "Homeless encampment," "Local government," "Continuum of Care," and "Local government."
- 3) Require Caltrans to post on its website the following:
 - a) An outline of the process for local governments to enter into a DMA;
 - b) Case studies of effective interventions; and,
 - c) Links to relevant information and resources, including the CA Interagency Council on Homelessness, available funding opportunities, technical assistance, interagency support programs, and contact information for continuums of care.
- 4) For each DMA, requires Caltrans and local governments to develop reporting standards for DMAs in collaboration with local agencies, including improvement in encampment resolution, and connecting homeless with housing and services.
- 5) Allows Caltrans to execute a delegated maintenance agreement that allows a local agency to use its local homeless encampment abatement policies, processes, and personnel, and requires the local homeless encampment abatement policy to adhere to the tenants of Executive Order N-1-24, and the state's most recent model ordinance for cities and counties to address encampments.
- 6) Allows Caltrans to grant a single general entry permit for the duration of a DMA to conduct activities pursuant to this section.
- 7) Specifies reimbursements authorized by Caltrans for work performed under a DMA be made pursuant to the DMA.

In support, California Big City Mayors Coalition writes, "Caltrans is responsible for managing right-of-ways on state highways, but regulatory constraints have made it difficult to coordinate effectively with local governments. SB 569 directs CalTrans to develop locally tailored approaches, strengthen stakeholder engagement, and streamline the execution of Delegated Maintenance Agreements. These changes will improve the coordination and effectiveness of encampment resolution efforts in CalTrans' right-of-ways."

In opposition, Housing California writes, "Most importantly, as it stands right now, the bill leaves open the possibility that local governments could bypass CalTrans outreach protocols and remove homeless encampments without any advance outreach or protections for people's belongings, thereby bypassing critical protections that seek to minimize harm of encampment closures and increase the likelihood of connections to critical supportive services, shelter, and housing."

Previous legislation. AB 2338 (Jones-Sawyer of 2024) would have required the Governor to appoint a Statewide Homelessness Coordinator within the Governor’s Office to serve as the lead person for ending homelessness in the state. *This bill was held in the Assembly Appropriations Committee.*

SB 1011 (Jones of 2024) would have prohibited sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, if a homeless shelter, as defined is available to the person. *This bill failed passage in the Senate Public Safety Committee.*

AB 2630 (O’Donnell of 2022) would have required a city, county, or city and county that has used any state funding to assist in addressing homelessness to provide a public report on its internet website on the use of those funds by July 1, 2023. *This bill was held in the Senate Human Services Committee.*

REGISTERED SUPPORT / OPPOSITION:

Support

Anaheim / Orange County Hotel & Lodging Association
California Big City Mayors Coalition
California Hotel & Lodging Association
California Police Chiefs Association
City of Alameda
City of Bakersfield
City of Camarillo
City of Carlsbad
City of Corona
City of Goleta
City of Lake Forest
City of Norwalk
City of Paramount
City of Rancho Cucamonga
City of Riverside
City of San Luis Obispo
City of San Marcos
City of Thousand Oaks
City of Visalia
County of Fresno
County of Orange
San Diego County Lodging Association

Opposition

None on file

Oppose Unless Amended

Corporation for Supportive Housing
Housing California

National Alliance to End Homelessness

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