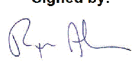
 <div style="text-align: center;"> <b>STATE OF</b>  <b>DEPARTMENT OF TRANSPORTATION</b>  <b>AND PUBLIC FACILITIES</b> </div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;"> <b>Policy and Procedure</b> </div>		POLICY AND PROCEDURE NUMBER <b>07.05.120</b>	PAGE 1 of 14
		EFFECTIVE DATE April 30, 2025	
SUBJECT <b>Homeless Encampments and Highways</b>		SUPERSEDES <b>N/A</b>	DATED April 28, 2025
CHAPTER <b>Maintenance and Operations</b>	SECTION <b>Highways</b>	APPROVED BY <div style="border: 1px solid black; padding: 2px; display: inline-block;">           Signed by:    <small>3BFC855630834FF...</small> </div>	

## PURPOSE

The purpose of this policy is to establish a consistent, legally compliant, and transparent approach for managing unauthorized encampments located within transportation infrastructure managed by the Alaska Department of Transportation and Public Facilities (DOT&PF). Encampments in these areas may create conditions that pose a significant risk to human life, damage critical infrastructure, interfere with the traveling public, and violate state and federal requirements for the protection and use of transportation infrastructure.

## AUTHORITY

DOT&PF is granted authority—and bears a corresponding obligation—to act under both state and federal law to protect and manage Alaska’s public transportation infrastructure. Under AS 19.05.010, the department is charged with the protection and control of highways across the state. This authority extends beyond infrastructure preservation to include protecting the health and safety of the traveling public from threats posed by unauthorized camping on DOT&PF’s right of way adjacent to highways and roads. .

Further, AS 19.25.240 authorizes the department to remove unauthorized encroachments and obstructions from state highway rights-of-way. This includes unauthorized uses that compromise safety of the traveling public or impede use of the highway or road by the public. DOT&PF may coordinate with law enforcement partners to enforce criminal trespass or obstruction laws, including AS 11.46.320–330, as appropriate.

At the federal level, 23 CFR 710.403 and 710.405 mandate that rights-of-way acquired for highway purposes must be preserved exclusively for transportation and related public uses and must not be compromised by unauthorized or hazardous encroachments. These federal rules expressly prohibit any use of the right-of-way that conflicts with its transportation function or creates a safety risk to the traveling public.

Supplementing these legal obligations, the Federal Highway Administration (FHWA) has issued guidance, including a 2023 memorandum, directing states to remove hazardous or flammable encampments—particularly those located beneath bridges or near other critical infrastructure—as part of their responsibility to maintain highway safety and compliance with federal standards.

Together, these authorities affirm DOT&PF’s responsibility to ensure that public transportation facilities and rights-of-way are protected from harm, kept operational, and used in a manner consistent with their intended public purpose.

## **POLICY**

DOT&PF will manage unauthorized encampments within its transportation facilities and rights-of-way using a risk-based framework that aligns with state and federal laws, preserves public safety, and upholds the department’s obligation to maintain the functionality of Alaska’s transportation system. The department recognizes that encampments can present varying degrees of hazard—ranging from life-threatening conditions to obstructions that impair lawful public use—and will respond accordingly.

When an encampment presents a significant and imminent risk to the traveling public or critical infrastructure, DOT&PF may take action quickly and when practicable. Such situations include individuals occupying bridge girders, highway medians, roadside embankments, utility structures, or areas beneath bridges, where there is exposure to high-speed traffic, structural or electrical hazards, or unstable surfaces. These encampments create conditions where serious injury or death is likely, and as such, necessitate urgent intervention. In these cases, DOT&PF will coordinate with law enforcement to relocate individuals, secure the area, and take necessary steps to eliminate the hazard and prevent re-encampment.

Encampments that do not present an immediate safety risk but interfere with the public’s ability to safely and lawfully use the highway system or DOT&PF’s infrastructure will also be addressed. These may include camps that obstruct or interfere with access to sidewalks, trailheads, school zones, bus stops, or maintenance areas. In such cases, DOT&PF will provide written notice in advance of removal encroachments, and coordinate efforts with social service providers and law enforcement to promote relocation and protect the rights of the individuals involved. Notice periods may follow local ordinances where applicable (e.g., AMC 15.20.020), and a 10-day notice will be used unless exigent circumstances are documented. Unclaimed property will be handled in accordance with DOT&PF procedures, which include a 30-day retention period for retrieval. After this period, unclaimed items may be disposed of.

In areas where other agencies or jurisdictions—such as municipalities, boroughs, or law enforcement agencies—have overlapping or primary enforcement authority, DOT&PF

will participate in planning and support efforts as a coordinating partner. DOT&PF will align its actions with local ordinances and notice procedures when feasible, and may offer technical guidance, access assistance, or other logistical support, while deferring enforcement responsibilities to the appropriate entity. If jurisdiction is unclear or a local authority is unresponsive, DOT&PF staff must consult with the Department of Law and the Deputy Commissioner before proceeding. Coordination should be documented via email or memo.

Following removal of encampments, DOT&PF will take reasonable and proactive measures to deter re-encampment in high-risk or sensitive areas. This may include the installation of signage, removal of visual obstructions, placement of physical deterrents, or increased monitoring by department staff.

All actions under this policy will be carried out with transparency, coordination, and respect for legal and humanitarian standards. DOT&PF is committed to ensuring that transportation infrastructure is used safely and lawfully, and that individuals affected by this policy are treated with fairness and dignity throughout the process.

The Department of Law will be consulted for each encampment operation to ensure constitutional and civil rights protections are observed

## **PROCEDURE**

These procedures establish how DOT&PF will respond to and manage unauthorized encampments on state-managed transportation facilities and rights-of-way, ensuring consistency with legal obligations, interagency coordination, and transparency.

### **1. Identification and Reporting**

Encampments may be identified by DOT&PF staff, law enforcement personnel, or members of the public. All encampments observed within or adjacent to DOT&PF rights-of-way should be reported to the Deputy Commissioner.

Upon receiving a report, the Deputy Commissioner will notify:

- The Department of Law for legal compliance review;
- The Governor's Office to facilitate interagency coordination;
- The DOT&PF Communications Director (PIO) to manage public and media inquiries; and
- Local law enforcement, as appropriate.

The regional Maintenance & Operations (M&O) Superintendent is responsible for coordinating an initial site visit to confirm the report and initiate a formal site assessment. This includes capturing aerial imagery using DOT&PF-authorized drone

equipment to prepare a georeferenced location map and visual site log. Verification of DOT&PF jurisdiction, based on current right-of-way records or GIS data, is required prior to initiating any enforcement or clearance action.

## **2. Site Assessment and Risk Evaluation**

A DOT&PF Site Assessment Team, comprising M&O personnel, a DOT&PF safety officer, and law enforcement representatives, will inspect the site within 72 hours of reporting to evaluate the following:

- Safety risks, including proximity to high-speed traffic, fire hazards, and structural instability, and other identified risks;
- Encroachment impacts, such as obstruction of roadways or access points, and potential damage to transportation infrastructure; and
- Other conditions present such as criminal activity, hazardous waste, public health concerns, including the presence of human waste, biohazards, and discarded sharps, and human needs, including vulnerable populations such as children, elderly, or individuals with disabilities.

The Site Assessment Team will categorize the encampment risk as follows:

- **Imminent Danger:** Encampments posing immediate threats to the traveling public or infrastructure warrant imminent removal.
- **Substantial Interference:** Encampments that interfere with lawful use of the right of way or infrastructure but do not pose imminent safety risks will proceed through a standard notification and removal process.
- **Municipal or Other Jurisdiction:** If the location is under municipal or other jurisdictional control, DOT&PF will defer to local authority while supporting coordination as needed. If jurisdiction is ambiguous, consult DOT&PF Right-of-Way and the Department of Law.

For the definitions of the encampment risk categories, please refer to Appendix A.

## **3. Legal Compliance and Notice to Vacate**

For encampments requiring removal due to imminent safety hazards, DOT&PF will, to the extent feasible, post highly visible signage providing a minimum 72-hour notice to vacate. In all other cases and where outreach coordination and logistics permit, a 10-day written notice shall be issued to maximize engagement opportunities with encampment occupants and service providers.

Ho

Notices must include:

- The date and time of posting;
- The legal basis for removal (e.g., AS 19.25.220, AS 11.46.320);
- The deadline by which individuals must vacate;

- Contact information for outreach service providers and property retrieval assistance; and
- Instructions for reclaiming any temporarily stored personal belongings.

Outreach providers should be engaged prior to encampment removal whenever feasible. Regional M&O Superintendents will maintain a contact list of local outreach providers and initiate coordination upon posting of notice. Efforts to connect individuals with shelter or services should be documented.

DOT&PF will document the posting with photographs and location details.

#### **4. Encampment Clearing and Waste Removal**

On the scheduled removal date, the encampment clearing operation will be conducted by DOT&PF M&O staff in coordination with law enforcement and, where available, service outreach teams. Prior to initiating physical clearance, a coordinated on-site briefing will be conducted to ensure all participating personnel understand their roles, safety protocols, and escalation procedures.

#### **Special Populations and Interagency Coordination**

- Children or dependent adults encountered during operations will be reported immediately to the Alaska Office of Children's Services or the appropriate local authority.
- Individuals with disabilities will be provided reasonable accommodations in compliance with the Americans with Disabilities Act (ADA), including accessible transportation or service coordination.
- Pets and companion animals will be addressed in collaboration with local animal control agencies or partner shelters to ensure humane care and potential reunification.

#### **Field Responsibilities**

- Law enforcement will be asked to secure the site perimeter, maintain order, and enforce trespass or obstruction laws as needed. Securing the area may include restricting access, placing barriers, posting signage, or otherwise taking steps to safely control the site for remediation or hazard mitigation.
- Outreach and social service providers, if present, be asked to offer assistance with relocation, emergency shelter, transportation, and service referrals, and reasonable time should be allowed to engage with individuals prior to clearing operation activities.
- DOT&PF M&O personnel, local government partners, or contractors will conduct systematic removal of waste and debris, document secure remaining personal property, and ensure proper handling of waste. Personal property left behind will be collected and stored for a period of 30 days at a designated DOT&PF facility.

Property not claimed within this time may be disposed of in accordance with department policy.

**Hazardous Materials Handling and Safety Requirements.** Hazardous materials and biohazards will be removed and disposed of in accordance with Alaska Department of Environmental Conservation (DEC) regulations and applicable federal standards. All field personnel assigned to hazardous material tasks must complete hazard-specific training including:

- Complete required hazard-specific training (e.g., OSHA HAZWOPER), if identified through a Job Hazard Analysis;
- Wear appropriate personal protective equipment (PPE), including puncture-resistant gloves, protective boots, eye protection, and respiratory protection as necessary;
- Use designated containers for collection and disposal of needles, sharps, or similar biomedical waste.

**Personal Property Handling.** During encampment clearing operations, DOT&PF personnel and contractors must differentiate between personal property of value and disposable debris. Items such as identification, prescriptions, tools, clothing, electronics, or anything claimed by the individual must be tagged, photographed, logged, and stored at a secure DOT&PF facility for a minimum of 30 days. Items clearly abandoned, soiled, broken, hazardous, or perishable may be discarded in accordance with Alaska DEC regulations. Items of questionable status should be treated as personal property unless they present a health hazard or are clearly abandoned or destroyed.

**Documentation and Recordkeeping.** DOT&PF crews must document encampment clearing operations through photographs, inventory of collected property (as applicable), and written confirmation of outreach or law enforcement presence. All records should be submitted with the post-clearance report. Photographs should capture conditions before, during, and after cleanup for legal documentation. If possible, obtain and retain copies of any law enforcement bodycam audio or video recordings.

## **5. Post-Clearing Monitoring and Prevention**

Within 72 hours of encampment removal, DOT&PF will inspect the site to ensure no re-encampment has occurred. If necessary, the department will implement deterrent measures such as:

- Installing durable “No Trespassing / No Camping” signage citing applicable Alaska Statutes (e.g., AS 11.46.320) and Alaska Administrative Code provisions (e.g., 13 AAC 02.175), placed at visible access points and known encampment locations to support enforcement and deter re-occupation;
- Clearing vegetation, including selective removal of trees and brush, to improve visibility and eliminate concealment. As a best practice, trees and brush under



four inches in diameter should be cleared where feasible, provided that any remaining trees are spaced a minimum of 10 feet apart to maintain visibility and discourage re-encampment; and

- Installing physical deterrents—such as strategically placed boulders, fencing, bollards, or other structural barriers—in locations with a documented history or high likelihood of re-encampment, ensuring such measures do not obstruct lawful public access or violate environmental or safety regulations.

Maintenance staff will monitor high-risk locations as part of routine patrols and report any signs of re-encampment.

## **6. Final Documentation**

Following the clearing operation, the DOT&PF region responsible will submit a post-clearance report to the Deputy Commissioner within ten (10) business days. The report must include:

- The name and affiliation of all those involved in the operation;
- The number of individuals contacted, relocated, or offered services;
- The estimated volume and type of waste removed (e.g., solid waste, hazardous materials, sharps);
- An inventory summary of stored personal property, including storage location and retention schedule;
- Any law enforcement activities undertaken, including citations, arrests, or trespass advisories issued;
- An accounting of costs incurred by DOT&PF; and
- Recommendations for site-specific deterrent measures, interagency coordination improvements, or policy adjustments to prevent re-encampment.
- The location(s) where all video and audio recordings, photographs, and other documentation are stored.

All reports shall include dated photographs taken before, during, and after operations, for compliance tracking, public records, and program evaluation purposes.

## **AUTHORITY**

AS 19.25.200–250: State ROW encroachment control.

13 AAC 02.175 / .095 / .340: Prohibition on loitering, sleeping, blocking traffic.

AS 11.46.320–330: Trespass and criminal obstruction (enforced by law enforcement partners)

23 CFR 710.403 / 405: Safety of alternate ROW uses.

FHWA Guidance (2023): Removal of flammable/hazardous encampments under bridges.

# **STATE OF ALASKA**

**Department of Transportation & Public Facilities  
POLICY AND PROCEDURE**

**Policy and Procedure 07.05.120  
Homeless Encampments and Highways**

**Effective: April 30, 2025  
Page 8 of 13**

## **IMPLEMENTATION RESPONSIBILITY**

Deputy Commissioner  
Division Directors  
Communications Director

## **DISTRIBUTION**

All DOT&PF employees via the DOT&PF website.

Appendix A: Definitions or Quick-Reference Risk Matrix

Appendix B: Sample Notice Template

Appendix C: DOT&PF Regional Contacts & Outreach Partner List Template



## Appendix A

### Definitions

**Biohazard:** Biological substances that pose a threat to human health, including human waste, soiled materials, discarded needles/sharps, bodily fluids, and contaminated personal items.

**Encampment:** Any unauthorized occupation or use of land or property involving structures, tents, shelters, or household items placed within DOT&PF-managed rights-of-way or transportation facilities.

**Encampment Removal (Abatement):** The coordinated process of disbanding, clearing, and remediating unauthorized encampments from DOT&PF-controlled land, including the removal of persons, structures, waste, and other materials, in accordance with applicable legal procedures.

**Hazardous Materials:** Substances that pose significant risk to health, safety, or the environment, including human waste, needles/sharps, chemicals, fuels, propane tanks, batteries, or biohazardous waste.

**Imminent Danger:** Conditions within DOT&PF-managed transportation facilities posing an immediate and direct threat to the traveling public or critical infrastructure. This includes occupancy or activities directly within active travel lanes, highway medians, or shoulders where rapid vehicle movements present acute risks; presence directly upon or beneath bridges, overpasses, elevated transportation structures, or in proximity to high-voltage electrical systems or utility infrastructure; encampments located on visibly unstable slopes, embankments, or areas with immediate structural hazards; the clear accumulation of flammable, explosive, or highly hazardous materials beneath bridges or within the right-of-way (e.g., propane tanks, gasoline containers, chemical containers); active fire situations, visible open flames, or ongoing use of heat sources near combustible materials; and encampments actively obstructing designated emergency access or evacuation routes. Immediate action is required under these conditions due to the critical, life-threatening risks posed.

**Municipal or Other Jurisdiction:** Encampments located on land primarily managed or enforced by a local government or another agency. DOT&PF defers to the lead jurisdiction in these cases.

**Notice:** An official written communication issued by DOT&PF or cooperating authorities instructing occupants of an unauthorized encampment to vacate within a specified time

period, outlining the legal basis for removal, property retrieval information, and resources for assistance.

**Outreach Provider:** An organization or agency providing social services, medical assistance, shelter, transportation, or other support aimed at assisting individuals experiencing homelessness.

**Personal Property:** Any item or belonging of apparent value, ownership, or importance to individuals residing at encampments, including personal documents, medication, working bicycles, intact tents, or identifiable personal effects.

**Right-of-Way (ROW):** Land or property acquired and maintained for transportation purposes, including roads, highways, bridges, sidewalks, embankments, utilities, medians, trails, and adjacent areas under DOT&PF jurisdiction.

**Site Assessment Team:** A multidisciplinary group designated by regional Maintenance & Operations Superintendents, typically composed of M&O personnel, a DOT&PF safety officer, and local law enforcement, responsible for conducting site evaluations, risk categorization, and recommendations for encampment management.

**Substantial Interference:** Conditions involving unauthorized encampments within DOT&PF-managed rights-of-way or transportation facilities that significantly hinder lawful and safe public use but do not present an immediate or directly life-threatening hazard. This includes encampments impeding pedestrian pathways such as sidewalks, trails, or designated walkways; limiting or obstructing visibility of traffic signs, signals, or roadway markings; restricting access to public transit stops, school zones, designated maintenance areas, or essential infrastructure; creating obstructions that impede emergency vehicle movements or routine maintenance operations; and encampment-related non-transportation activities that indirectly affect public safety, such as uncontrolled pedestrian crossings, unauthorized vehicle movements, or distracting activities visible to drivers. Such conditions, while not instantly life-threatening, may require prompt intervention and removal to protect public safety, restore transportation system functionality, and uphold compliance with state and federal transportation safety standards.

**Trespass:** The act of entering or occupying property without legal right, permission, or authorization (i.e. in violation of Alaska Statute AS 11.46.320–330). DOT&PF relies on law enforcement for enforcement of trespass violations.

**Visual Obstruction:** Vegetation, debris, structures, or encampment materials located within a right-of-way that significantly impair visibility for drivers, pedestrians, or maintenance personnel, thereby posing safety hazards or obstructing transportation infrastructure operations.

## **Appendix B**

### **Sample Notice to Vacate and Trespass Prohibited Signs**

#### **Notice to Vacate**

---

The following notices to vacate must be posted prominently and securely within the area designated for encampment removal, clearly visible from multiple points of entry and accessible to encampment occupants. Prior to or simultaneously with posting notices, staff should work with local government and law enforcement to make reasonable attempts to verbally discuss the upcoming removal and explain the contents of the notice directly to individuals residing within the encampment. Refer to Procedures Section #3 to determine whether the appropriate notice period is 72 hours or 10 days. All posting requirements, including timing and placement, must be confirmed with the Deputy Commissioner before notices are posted. An example is below.

#### **NOTICE OF ENCAMPMENT REMOVAL**

DATE POSTED: [INSERT DATE]

LOCATION: [INSERT LOCATION DESCRIPTION OR COORDINATES]

THIS LOCATION IS NOT A DESIGNATED CAMPING AREA AND MUST BE VACATED.

PURSUANT TO AS 19.25.220 AND/OR AS 11.46.320, ALL INDIVIDUALS ARE REQUIRED TO  
VACATE THE AREA BY:

VACATE BY: [INSERT DATE AND TIME — AT LEAST 72 HOURS FROM POSTING, OR 10 DAYS IF  
OUTREACH IS PLANNED]

ANY ITEMS OF VALUE LEFT BEHIND AFTER THIS DATE MAY BE REMOVED AND STORED FOR UP TO  
30 DAYS.

TO RETRIEVE PROPERTY, CONTACT: [INSERT CONTACT NAME, PHONE, AND EMAIL]

FOR ASSISTANCE WITH SHELTER OR SERVICES, CONTACT: [INSERT LOCAL OUTREACH  
PROVIDER NAME AND CONTACT INFO]

**Trespass Prohibited Sign**

---

Trespass Prohibited signs shall be fabricated from durable aluminum sign material, designed to withstand weather conditions and resist vandalism. Signs shall feature black lettering clearly printed on a reflective white background and shall be securely mounted on perforated steel posts or equivalent sturdy structures. Signs must be strategically placed at regular intervals along rights-of-way, near known entry points, encampment-prone areas, and other clearly visible locations to effectively communicate prohibited trespass and enhance enforcement capabilities. If durable aluminum signs aren't immediately available, alternatives may be used temporarily. An example is below.

TRESPASS PROHIBITED  
A.S. 11.46.320, A.S. 11.46.330  
NO LOITERING, NO SLEEPING  
NO OBSTRUCTING FREE PASSAGE  
13 AAC 02.175  
NO LITTERING, NO DUMPING  
A.S. 46.06.080  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

When installing signage within municipal or borough jurisdictions, include applicable local code references to support enforceability. For example, in the Municipality of Anchorage, signage should reference AMC 8.45.010 in addition to relevant state statutes.

## **Appendix C**

### **DOT&PF Regional Contacts & Outreach List Template**

This appendix provides a standardized template to document key regional contacts essential for managing homeless encampments in compliance with DOT&PF policies and procedures. The purpose of maintaining an accurate and updated regional contact list is to facilitate effective coordination, enhance communication among DOT&PF staff, law enforcement, and outreach providers, and ensure prompt and informed responses to encampment-related situations.

#### **How to Use This Table**

Please populate this table with current names, phone numbers, and email addresses for each designated contact type within your region. Regularly review and update this list to reflect any personnel or organizational changes. This information should be easily accessible by DOT&PF regional staff and distributed to relevant partners as necessary to support efficient operational response and collaboration efforts.

Contact Type	Name	Phone Number	Email Address
Deputy Commissioner			
Region Director			
M&O Superintendent			
Safety Officer			
Local Law Enforcement			
Outreach Provider #1			
Outreach Provider #2			