



CITY OF SPOKANE  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3327  
509.625.6250

September 8, 2022

Roger Millar  
Secretary of Transportation  
310 Maple Park Ave. SE  
Olympia, WA 98504

Amy Scarton  
Deputy Transportation Secretary  
310 Maple Park Ave. SE  
Olympia, WA 98504

Bryce Brown  
State of Washington, Office of the Attorney General  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504-0100

Joe Ehle  
State of Washington, Office of the Attorney General  
1116 W. Riverside Ave., Ste. 100  
Spokane, WA 99201-1106

Daniel Atchison  
Assistant Chief, Washington State Patrol  
106 11<sup>th</sup> Ave. SW  
Olympia, WA 98501

RE: Department of Transportation Property: E. Pacific Ave and S. Ralph St., Spokane, Washington

All,

I am writing you related to the property controlled by the Washington State Department of Transportation at East Pacific Avenue and South Ralph Street in Spokane, Washington. Conditions on and around the property have reached a point that requires an immediate plan and course of action. Those conditions include, but are not limited to, illegal camping, code violations, health concerns, excessive amounts of solid waste that has resulted in expensive removal costs at taxpayer expense, unsanitary human waste disposal, hundreds of neighborhood complaints, a significant increase in criminal activity, and a failure by the State of Washington to act in a timely manner with the resources to correct the situation that is now in its 10<sup>th</sup> month.

In February of this year (enclosure 1), you were placed on notice by Spokane Police Captain Brad Arleth and Neighborhood Resource Officer Seth Berrow that your property represents an ongoing nuisance issue in the form of elevated crime, waste, noise, and drug use. As referenced in the attached letter (enclosure 2) by the Spokane Police Department the listed property continues to present a nuisance to the quiet enjoyment and tranquility of the nearby area. The City of Spokane is preparing to proceed with legal action and penalties pursuant to Spokane Municipal Code 10.08A.

On June 2, Washington State Patrol (WSP) Assistant Chief Daniel Atchison, State Deputy Transportation Secretary Amy Scarton, and Tedd Kelleher, senior managing director for the Housing Assistance Unit, Community Services Housing Division of the State Department of Commerce, attended a meeting with the City of Spokane to discuss responsibilities, resources, and a timeline to remove the camp. At that meeting, the State representatives identified Spokane as one of eleven high-priority areas, in five counties, which required outreach, assessment, cleanup of Department of Transportation right-of-way, and movement of individuals illegally camping in those areas into housing. WSP indicated its primary responsibility is the safety and security of all involved and that it would take the lead on moving individuals off the property; Department of Transportation indicated its desire to clean and clear the property and secure it from a reoccurrence; and the Department of Commerce indicated it had funding to allocate toward that process.

Ultimately, the Department of Commerce provided an opportunity for funding support of \$24.3 million and gave the City and its regional partners 30 days to submit a single, collaborative proposal of housing ideas and turnkey projects by July 21. The City and its partners submitted a proposal with multiple elements that included immediate and near-term options for moving individuals out of unsafe and unhealthy outdoors spaces into indoor, climate-controlled living environments.

The most immediate option presented is a location with the capacity to shelter a minimum of 250 individuals, with the capability to flex and provide spaces based on demographics. The shelter is within the Spokane city limits, leased from a third-party property owner expressly for the purpose of providing safe, healthy shelter, legally permitted, and operated by an operator selected through a competitive public process. The Trent Resource and Assistance Center (TRAC) opened on Tuesday, September 6 and is available to meet the needs of those who require immediate indoor shelter. The proposal submitted to the Department of Commerce includes a funding request to make additional improvements to the site based on feedback from members of the community that would be served and successful operation of a similar shelter in Thurston County that received Department of Commerce funding.

That resource has begun serving individuals indoors and out of the elements, includes space to do ongoing assessment and service provision, and represents a marked improvement to the current living conditions of those illegally camping on the Department of Transportation property. Immediate movement of individuals would also begin to address the ongoing nuisance on Department of Transportation property. As of this writing, the number of people from the



camp now staying at TRAC has grown to 20 people with more expected all at City taxpayer expense.

As a result of the ongoing nuisance issue on your property, it has come to the attention of the City Administration that persons have begun setting up satellite encampments at adjacent Department of Transportation properties. A separate large-capacity tent shelter has also been erected, as communicated on July 27 (enclosure 3), illegally and without a permit. Additionally, a road construction contractor leasing Department of Transportation property immediately east of Thor/Freya on the south side of Interstate 90 is experiencing nearly \$3,000 in theft and vandalism a week despite fencing and cameras and other security measures. The contractor team spends time each morning accounting for lost items and cleaning up messes from the previous night's destructive activity.

We are writing to request that significant and immediate steps be taken to address the totality of the issues caused by the illegal camping on Department of Transportation property. The City of Spokane requests that the adjacent properties, which are not currently inhabited, be fenced and secured from trespass, encroachment, or intrusion. If the Department of Transportation is unable or unwilling to secure the adjacent properties and they fall into disrepair and present a nuisance the City of Spokane may initiate the necessary legal action by September 23, 2022, to address the matter.

Legal action will consist of deeming your property a chronic nuisance resulting in notice and citation pursuant to Spokane Municipal Code 10.08A.020 and 10.08A.040. You will be required to establish a plan of action to eliminate the conditions which constitute a nuisance within ten days of service. The corrective action would be one of abatement or eviction of the persons responsible for the nuisance activity. If no response is received by the City of Spokane, we reserve the right to abate the nuisance property and charge the Department of Transportation for all costs and fees associated with these activities including all wages paid to City employees.

Further, it has been reported by the Spokane Police Department that the Department of Transportation seeks to remove individuals from properties adjacent to the referenced property and that the Department has requested aid and standby from the Spokane Police Department. The City of Spokane has received conflicting information from the Department of Transportation. Earlier this year the Department of Transportation advised the Spokane City Attorney's Office that Washington State Patrol is unable to enforce the laws of the State except for on the state rights-of-way. That position was rescinded in a recent meeting; however, the Department of Transportation continues to request standby from the Spokane Police Department when an individual has been notified that they are trespassing. This practice puts undue pressure on a police department suffering from staffing issues and needlessly places Spokane Police officers in situations that may lead to use of force altercations. The City of Spokane requests that the Attorney General's Office direct the Washington State Patrol to conduct civil standbys for the Department of Transportation and free up critical City resources to pursue more important police matters.

Additionally, the City of Spokane requests the Washington State Patrol provide a presence during the overnight hours from 7 pm to 7 am to supplement the Spokane Police Department



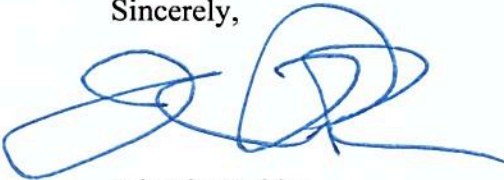
presence from 7 am to 7 pm while the chronic nuisance is addressed by the Department of Transportation. It is the expectation of the City of Spokane that movement of illegal camps from the Department of Transportation property begin no later than September 23, 2022, with a completion date of October 14 and include measures to prevent backfilling of vacant property or repopulation of the property.

The property in question has become a burden to the City of Spokane as the litter and rubbish created at the site is overwhelming and often does not find its way to an appropriate bin or receptacle. Along with the issues created by trash, the City of Spokane has been confronted with human waste being deposited or discarded at the location creating an environmental hazard for area residents and jeopardizing the health of the Spokane River. The City of Spokane has expended significant resources in addressing the nuisance issues in excess of \$350,000 to date, beginning March 1, 2022. Those funds were intended to provide additional housing options and instead have been redirected for this unanticipated expense on State property. This is unacceptable and the City of Spokane intends to seek reimbursement from the State of Washington if an abatement agreement is not immediately established, which includes fulfillment of the Department of Transportation's verbal commitments made during the meeting on June 2.

The City of Spokane looks forward to your prompt response so that we may allocate our resources to areas that deserve the attention of the Spokane Police Department. The City of Spokane would like to meet with the six of you at your earliest convenience so we may discuss these issues. Please reply by September 12 so that the City may chart its route forward.

Thank you for your time and consideration in this matter.

Sincerely,



Johnnie Perkins  
Spokane City Administrator

cc: The Honorable Nadine Woodward, Mayor  
The Honorable Lisa Brown, Director, State Department of Commerce  
The Honorable Breean Beggs, Council President  
Lynden Smithson, Interim City Attorney  
Mike Gribner, Eastern Regional Administrator, State Department of Transportation

Enclosures: 1 Police Department Communication  
2 Police Department Activity Summary  
3 Fire Marshal Communication