



UNAUTHORIZED ENCAMPMENT REMOVAL FROM MnDOT PROPERTY

POLICY OP014, EFFECTIVE 04-10-2018

Policy Owner: Director, Office of Maintenance

Policy Contact: Maintenance Operations Engineer

Policy Statement

MnDOT will use effective, humane and environmentally sound strategies when removing unauthorized encampments from State-owned property managed by MnDOT (MnDOT Property).

Reason for Policy

- Protect the health and safety of the general public and MnDOT staff.
- Protect public property from damage and ensure that MnDOT is able to use property for its intended purposes.

Who Needs to Know this Policy?

- Commissioner and Senior Leadership Team
- District Engineers/Assistant District Engineers (ADE)/Area Maintenance Engineers (AME)
- District Maintenance Superintendents, Supervisors & staff
- District Public Affairs Coordinators (PAC)
- District Safety Administrators
- District Right of Way staff
- Statewide Safety Director
- Office of Bridge
- Office of Transit
- Office of Chief Counsel
- Office of Communications
- Office of Construction and Innovative Contracting
- Office of Maintenance
- Office of Environmental Stewardship
- Office of Administration (Emergency Management Section)
- Office of Public Engagement and Constituent Services
- Office of Freight and Commercial Vehicle Operations (Railroad Section)

Definitions

MnDOT property

Means State-owned property managed by MnDOT including, without limitation, roads, roadsides, bridges and structures, and building structures and grounds (including rest area buildings and grounds).

Unauthorized Encampment

Means a site on MnDOT Property where one or more persons use the property for a non-transportation purpose including, without limitation, preparing meals, storing personal belongings, or sleeping. Unauthorized encampment includes illegal use of rest area property.

Procedures

The following list provides a framework for encampment assessment, notifications and cleanup. A district may, at the discretion of the District Engineer, implement expedited procedures in an emergency that could affect public safety (including safety of persons in the encampment), or cause serious infrastructure damage. This procedure acknowledges the difference between debris removal and encampment cleanup. Trained and qualified district staff may perform debris removal. Encampment cleanup will require contracted services.

Site Assessment

- When a site is discovered, MnDOT must make an initial assessment to determine whether the site is an encampment or debris. If it is not obvious if a site is an encampment or debris, additional district staff will be called to determine if there is evidence of someone living at the site (preparing meals, storing personal belongings, sleeping, etc.).
- The process to accomplish the site assessment may be different between districts but the following procedure will be followed for encampments:
 - Assess the site from a distance with binoculars if necessary and use discretion.
 - Contact law enforcement in an emergency or a situation where staff or contractor feel threatened.
 - When practicable, use a two or more person team for site visits.
 - Collect photos of the site.
 - A visual record of the encampment site provides tangible evidence for determining the scope of work for the cleanup crew.
 - Record location and time/date stamp the photos.
 - Prepare a map/sketch depicting the locations and limits of the site.
 - A map/sketch, in combination with photos:
 - contributes to the scope of work for the cleanup crew;
 - is important for staff handling property repair and restoration;
 - helps MnDOT in discussions with local units of government, outreach providers, contractors, and law enforcement.
 - Verify that the unauthorized encampment is on MnDOT Property with District Right of Way or Survey staff and notify other identified owners of the unauthorized encampment.
 - Check for interagency or maintenance agreements that may assign cleanup responsibility to other parties. Work with those parties to implement the provisions of this policy.
 - Provide a scale on map or approximate size of site.

Notification of Encampment Removal

- **Notify the District Engineer/Area Maintenance Engineer(AME)/Maintenance Superintendent**
 - Ensure district engineer and maintenance leadership are informed of an unauthorized encampment.

- **Notify Public Affairs Coordinators with dates and locations of cleanup sites**
 - Notify the district public affairs coordinator (PAC) as early as possible (no less than one week in advance of the cleanup), so the PAC is prepared for media contacts and can develop effective communication strategies as needed.
- **Notify tribal authorities if the site is within boundaries of a reservation or on a tribe's off-reservation trust land (*one week before cleanup*)**
 - If unsure of the boundaries or appropriate tribal authority, contact MnDOT's tribal liaison for guidance.
- **Notify social service providers (*one week before cleanup*)**
 - Request that the social service providers enter the area the day or the night before the scheduled cleanup to inform persons found in the unauthorized encampment that cleanout will occur and to inform them of assistance options.
 - If social service providers are not available, the district will notify persons found in the unauthorized encampment of the pending cleanout.
- **Notify Minnesota State Patrol (*minimum of three days before cleanup*)**
 - Whenever possible, arrange to have the State Patrol arrive on site just prior to cleanup operations to remove individuals still present at the site.
 - Click on the link, [Minnesota State Patrol District Map and Contacts](#) for a complete listing of contacts and information.
- **Notify local and/or tribal law enforcement (*minimum of three days before cleanup*)**
 - Notify local and/or tribal law enforcement agencies, if necessary.
- **Notify the railroad company and Office of Freight and Commercial Vehicle Operations, Railroad Section, as applicable**
 - A Railroad flagger will be required if MnDOT or contractor staff will occupy railroad property for any reason during cleanup operations. This could affect the timeline/schedule.
- **Contacts to report property damage:**
 - Structure maintenance, contact the district Bridge or district Building Maintenance as appropriate.
 - Electrical or light pole problem, contact Electrical Services Section (ESS).
 - Sign damage or graffiti, contact appropriate district personnel.
 - Contact the local agency if damage is on their property.
 - Contact the railroad if damage is on railroad property.

Encampment Cleanup

- **Contract Cleanup**
 - **Contracting process**
 - Use an authorized contracting method to procure a contractor. Contact the Contract Management Section, Office of Chief Counsel to discuss various contracting scenarios for cleanup.
 - Prepare a scope of work for the cleanup

- Prepare a scope of work to conform to the needs of the project. Use the scope of work, map/sketch, and photos as part of the bid/quote package. Coordinate pre-bid meeting and pre-construction meeting as appropriate.
- Discuss any structural issues at the site including installing or repairing fence, installing abutment protection, work site access, etc.
- Ensure that contracting procedures are followed (i.e.: contract is signed and funds are encumbered prior to a contractor performing work).
- Ensure chemicals used on the cleanup site conform to the [MnDOT Pesticide Management on MnDOT Property Policy](#).
- **Sign installation**

District staff should consult with law enforcement to evaluate the need for installing “no trespassing” or other signage and determine the party responsible for installing and maintaining the signage.

Responsibilities

Commissioner, Senior Leadership Team and District Engineer

- Serves on the Minnesota Interagency Council on Homelessness.
- Support and ensure the integration and adequate resourcing of the policy.

ADE/AME/Maintenance Superintendents

- Oversee district unauthorized encampment response efforts.
- Collaborate with cities and counties, tribal officials, and other agencies on the unauthorized encampment response, while establishing and maintaining on-going relationships with the public and community groups.
- Notify and consult with public affairs coordinators on maintenance and operations plans that involve the unauthorized encampment response effort on MnDOT property.

District Supervisors

- Notify and consult with public affairs coordinators on maintenance and operations plans that involve the unauthorized encampment response effort on MnDOT property.
- Ensure staff have the appropriate supervision, guidance and Personal Protective Equipment (PPE) to conduct cleanup operations as assigned.
- Notify the groups identified above.

Maintenance staff

- Conduct clean up in accordance with policy and as directed by supervisor and safety administrator.

District Safety Administrator

- Provide guidance on proper PPE.
- Provide guidance on disposal of debris.

District Public Affairs Coordinators

- Provide proactive communication to staff, media and law enforcement, as needed.
- Develop key messages regarding work planned.
- Write and disseminate, as needed, email update, notice to community groups and notice to media.
- Assist in writing responses to customer correspondence, calls, etc.
- Inform the District Management Team of planned activity.
- Notify the Office of Communications as necessary.

Office of Chief Counsel

- Review and approve contracts for unauthorized encampment cleanup and removal.

Office of Communications

- Provide guidance to districts as requested.

Office of Maintenance

- Ensure policy is up to date, and provide guidance to districts as requested.

Office of Public Engagement and Constituent Services

- Provide guidance to districts as requested.

Office of Environmental Stewardship

- Provide guidance to districts as requested.

Related Information

[MnDOT Pesticide Management on MnDOT Property Policy.](#)

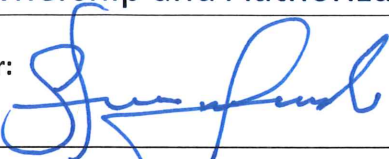
[Minnesota State Patrol District Map and Contacts](#)

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Policy Ownership and Authorization

Policy Owner:

Signature:



Print Name:

STEVEN M LIND

Date:

4/11/2018

Internal Control & Accountability Governance Board has reviewed this policy and recommends approval:

Signature:



Print Name:

Janet Cherney

Date:

4-11-18

Responsible Senior Officer:

Signature:



Print Name:

SUSAN MULVIHILL

Date:

4/19/18