A proposal that would have empowered Austin police to arrest people living under a South Austin overpass appears all but dead.

Council Member Ann Kitchen — who represents the part of Austin where a 1,000-foot-long overpass of U.S. 290/Texas 71 stretches over Manchaca Road and Pack Saddle Pass — told the American-Statesman recently that she would not be pursuing the program in the foreseeable future. Kitchen said she is now emphasizing other projects related to homelessness.

“We need to focus on other things,” Kitchen said. “It is a matter of timing. It is also not as simple as we thought it would be.”

The change in priorities comes after the Statesman shed light on Kitchen’s proposed agreement between the Austin Police Department and the Texas Department of Transportation that would have allowed officers to detain, cite and possibly arrest for trespassing any person living under the bridge.

The agreement would have given Austin police jurisdiction at the overpass, which is owned by the state. The goal was give police authority to question people living there so they could connect homeless people to social services because they would be legally detained for trespassing.

But it became clear when the program first came before the Austin City Council during a late-night meeting in December that police would have the right to make an arrest.
After some council members raised questions, the agreement’s full approval was put off until February. But two months later, the agreement still has not been brought to the council. Last week, Kitchen offered no timetable as to when it would ever come before the council.

“It seems like it is dead in the water,” said Mark Hilbelink, head pastor of Sunrise Community Church, which is on Manchaca Road just south of Ben White Boulevard.

**CASUALTIES OF THE STREETS: How Austin’s homeless are dying**

Every day, people can be found under the overpass. In some spots, it is obvious that the stretch of dirt- and rock-covered concrete under the highway is not just a spot for daytime panhandling and loitering. Bedrolls, blankets and chairs show indications that many have made the area a home.

Joan Owens, a former neighborhood association president in the Southwood area that abuts the overpass, said she has seen the number of homeless people under the bridge grow in recent months — and heard more stories of crimes.

But police don’t have evidence of any correlation between a perceived increase in homeless people there and an increase in crime. Austin police attribute spikes in particular crimes such as auto theft to joyriding juveniles stealing cars with the keys left inside.

Police Cmdr. Jason Dusterhoft said the crimes related to homelessness in the area are typically “nuisance crimes” such as public urination and people in the roadway.

Nothing prevents Austin police from approaching and arresting homeless people if they are seen committing a crime. Police also have said they would never hesitate to intervene if they observed or received a report of an ongoing violent crime.

But allowing officers to make arrests or write tickets en masse to people found living under the overpass runs counter to a November city audit that found that criminalizing homeless people does nothing to improve their situation.

The city, at the City Council’s behest, also is looking into undoing ordinances
that the audit criticized.

“You can’t arrest yourself out of the problem,” Dusterhoft told the Statesman.

In the meantime, Kitchen is pursuing other ideas to address homelessness in the area, such as increasing the lighting under the overpass.

To Owens, the Southwood resident, Kitchen’s idea seemed like a good one. Now that it is on the back burner, she wonders what will be done.

“I really don’t know who needs to take care of it, but something needs to be done,” she said. “I just don’t know. It just seems like we aren’t making any headway.”