The spartan stretch under an elevated portion of U.S. 290/Texas 71 near Pack Saddle Pass in South Austin is nothing pretty to look at.

Small, jagged rocks form a bed on top of the concrete floor. Bits of grass poke out from cracks. Empty beer cans, chip bags and the occasional used syringe pockmark the gray landscape. The one constant is the thrum of cars, trucks and buses whizzing by unseen 18 feet, 8 inches above.

C.R. and Julie call this 1,000-foot stretch of elevated highway their home.

“There are some of us that look at this place as a safe haven,” Julie said. “We would rather find safe places. We lived in downtown for a decade, and it has gotten bad.”

C.R. and Julie, both 33, have lived under the overpass for more than a year after deciding they could no longer stay in downtown Austin because the prevalence of drug use and aggressive homeless people had made the area too dangerous for them. The city pushed back last year with more police patrols and lighting around the Austin Resource Center for the Homeless, better known as the ARCH, and nonprofits changed the way they distributed food to avoid drawing criminals.

It’s more peaceful at the overpass. The tight-knit group tends to self-police.

“If someone gets too violent, they get run out of here,” said C.R., who, like Julie, wanted to be identified by first name only because of the stigmas surrounding homelessness. “Not beat up, but run off for sure.”
CASUALTIES OF THE STREETS: How Austin’s homeless are dying

In recent months, they have seen an increase in the number of homeless people staying under the bridge. That triggered alarm in the surrounding Southwood neighborhood, where residents have shared anecdotes of bad encounters on social media and in a neighborhood email group.

Their concerns in part have led to an effort that could soon enable Austin police officers to detain and possibly arrest any homeless people found under the overpass just for being there.

Austin City Council Member Ann Kitchen, whose District 5 encompasses this stretch of state-owned highway, has sponsored a pilot program to give police jurisdiction to enforce trespassing laws at Pack Saddle Pass and Manchaca Road. Police have described the program as a means to help connect the homeless there with social services.

However, a city audit released in November found that taking criminal action against the homeless had little to no effect in connecting them with services. And in some cases, the audit found that police action might impede a homeless person from finding a job or a home.

“It would cause more devastation,” C.R. said.

A multipronged approach

The city is negotiating with the Texas Department of Transportation, which owns the land under the bridge, to allow Austin police to enforce trespassing laws at the overpass. The City Council could approve the agreement at its next regular meeting Feb. 1.

Kitchen told the Statesman that the pilot program is a part of a diverse approach to what residents in that area see as a growing problem. She deferred to police for the actual intent of the program — an assistant chief told the council in December that it would force the homeless there to interact with officers while detained — but has referred to it as a way to address public safety for that area.

“There is no silver bullet,” Kitchen said. “You have to both protect their public safety and connect them to services in the right way.”
To that end, Kitchen fought for and won funding for a social worker who will focus on connecting the homeless in South Austin with services. She has worked to increase the amount of lighting under the overpass, and that is in the works.

**Also Read: Austin rethinks sending people to jail for traffic fines they can’t afford**

Much of the discussion at City Hall about homelessness has centered on downtown, with Mayor Steve Adler proposing more funding for homeless services as part of his “Downtown Puzzle” to expand the Austin Convention Center. At one time, city staffers looked at the possibility of using recreation centers to temporarily house homeless people away from the dangerous conditions downtown while longer-term lodgings could be found.

Since early last summer, representatives from the neighborhoods, police, Emergency Medical Services, TxDOT and the Ending Community Homelessness Coalition have worked together to create a list of possible solutions to what neighbors see as a growing homeless problem in South Austin.

“It is just an area that is geographically a problem,” Kitchen said of the overpass. “There is a school right there and a park in the neighborhood.”

Joan Owens, a former president of the Southwood Neighborhood Association, said her hope for the program is simple: to remove the homeless from the area.

“They have multiplied so much,” Owens told the Statesman. “The growth is unreal, and it is spreading.”

**City audit says citations don’t help**

A recent city audit that examined city policies related to homelessness looked at three ordinances that target panhandling, camping and sitting or lying in unauthorized area.

**Austin Answered: Why isn’t panhandling illegal?**

Though the pilot program for the overpasses over Pack Saddle Pass and Manchaca Road would not specifically call for police to enforce those laws, the audit did conclude that criminal action against homeless people does nothing to
help people improve their situations.

“Even if a citation does not result in a criminal record, it does not appear to be an effective means of connecting that individual to the services they need, nor is it an efficient use of city resources,” the November audit said.

From fall 2013 to fall 2016, the audit found that Austin police wrote about 18,000 citations under those laws. Data from the Downtown Austin Community Court shows that 90 percent of those cited failed to appear in court, leading to arrest warrants in 72 percent of those cases, the audit said.

A resulting arrest or warrant might affect a person’s employment or ability to get a job, the audit said. It also could prevent the person from clearing the screening for rental housing, Assistant City Auditor Andrew Keegan said in a November presentation to the City Council’s Audit and Finance Committee.

Several of the groups contacted for the audit pointed to those ordinances as a delivery model for services to the homeless, noting that the Downtown Austin Community Court offers case management and rehabilitative services. However, the court has a lengthy waiting list that prioritizes repeat offenders. In many cases, those who receive the citations refuse services, and about one-third take care of their tickets at the Municipal Court, where no services are offered, the audit said.

**ELSEWHERE: Police department's Facebook photo of panhandler’s money sparks controversy**

“The idea that we should be delivering services by getting people into the criminal justice system is flawed,” City Council Member Greg Casar said at the meeting.

The obstacles to getting off the streets are different for each individual. Mental health and a criminal record have been obstacles for C.R. to get housing and hold down a job. Julie has health problems that she said have led to multiple surgeries. She said her doctors say she is well enough to work, but many places don’t want to hire someone who requires extensive time off for visits to doctors.

Drug and alcohol addiction are often an impediment for the homeless as well.
“This is not where we wanted to end up,” Julie said.

**Starting a conversation**

Nothing prevents Austin police from approaching homeless people staying under the overpass at Pack Saddle Pass and Manchaca Road.

Officers can intervene and make arrests if they see criminal activity taking place, such as open drug use or a brawl.

But if officers simply try to start a conversation, a homeless person can ignore them or tell them to go away.

That would change under the pilot program because police would be permitted to detain anyone staying under the bridge for trespassing.

“This is not the intent of Austin Police Department to criminalize the homeless, but actually just to use it as a tool to have a conversation in a legal way and to be on the property to address not only the homeless but those who prey on the homeless in that area,” Assistant Police Chief Troy Gay told the City Council in December.

At that meeting, Kitchen was calling for the pilot program to be approved outright. However, after council members began questioning the intent of the program, Kitchen asked for the council to approve just the first step, beginning negotiations with TxDOT to authorize Austin police to enforce trespassing laws at the overpass.

It was approved 7-0-3, with Casar, Ora Houston and Sabino “Pio” Renteria abstaining. Council Member Delia Garza was not on the dais at the time of the 12:26 a.m. vote.

**VISIT VOTETRACKER: See how your Austin City Council member voted on other key issues**

Mark Hilbelink, the head pastor of Sunrise Community Church, which is on Manchaca Road just south of Ben White Boulevard, called the program “misguided.”
Hilbelink said the increase in homeless people at the overpass has been overstated, pointing to a point-in-time homeless population count ECHO conducted last year that showed the number of homeless people in Kitchen’s district as relatively flat at 40 people in 2017, one fewer than in 2016.

“This is not really a solution. It is more of a persecution,” Hilbelink said. “Even if what they do is responsible, it will still scare the heck out of people.”