

Introduction to
Timothy Penney, PE
Tribal Transportation Program Coordinator

by Ron Hall - Director
Tribal Technical Assistance Program

Tim Penney has been a significant presence in tribal transportation forums for several years. I had the good fortune to meet Mr. Penney when he was a Safety Engineer for the Colorado Division of the Federal Highway Administration in 1995. He has always had a passion for good transportation engineering practice and infrastructure for Native American people and communities. Even before being selected as the Native American Liaison for Federal Highway Administration's Office of Planning and Realty, Tim worked to open doors and resources within FHWA to tribal program practitioners. He is one of the original members of the Transportation Research Board Committee on Native American Transportation Issues and has been the most active

member in helping the Committee to find funding for its research priorities.

As much as anyone in Indian Country, Tim has accepted the responsibility of federal agencies to pursue the federal Indian Policy of tribal self-determination and government to government relations.

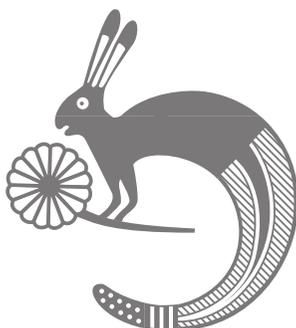
Over the years I have had the pleasure to get to know Tim beyond his professional role as a tribal transportation advocate and practitioner. Despite a hectic work schedule with frequent travel and after hour engagements, Tim is a wonderful husband, father, and proud tribal member. He is an accomplished musician, as evidenced in his band “The Dust Bowlers” CD’s; and as an athlete, he’s been a four year member of the University of Oklahoma Sooners football team.

Tim Penney has made a personal commitment to understand the diversity of tribal transportation contexts that exist in order to improve conditions and support of tribal programs. He has logged thousands of miles across the lower forty-eight states and Alaska.

I believe you will find his story and perspectives useful in understanding how to succeed and move forward in tribal transportation.







Paths, Places, People

I am the Tribal Transportation Coordinator for the Federal Highway Administration (FHWA), a position newly created in December 2000. As the first to hold it, I have been able to define the job and, in some ways, it has defined me. Professional colleagues and personal friends associate me with Indian tribes and transportation issues. Drawing from my experience, successes, and personal background, I have developed a specialized role in the greater federal organization, and in the broader tribal community, that I am committed to and passionate about.

Working with the tribes on transportation feels like my calling. It allows me to use the experience and expertise I have gained throughout my career, in both engineering and administration. I have been working in transportation for more than twenty years and on

tribal transportation issues since the early 1990s. I could have taken many other career paths into technical or management areas. This one is the one that I have chosen. Some of the many career paths I could have taken may have not allowed me to get here. I have taken a path that included many different positions and places in the country.

Some of the positions veered from what a traditional career path had been in the FHWA for someone like me with an engineering background. While there were times in my career that I didn't know where that path was leading, the path allowed me to gain experience and develop expertise that was necessary to get where I am now.

Such a position was not a goal of mine at the start of my career, not one I even thought about. I had worked summers as a carpenter framing houses, and in highway construction as a surveyor and inspector and was primarily interested in continuing an involvement with construction. I got a lot of satisfaction out of seeing a house or a project being completed. Years later I can still go past houses I worked on and projects I was part of and remember when it was an empty space.

Background and Career

I come from a transportation or, more correctly, a highway family. My father worked for the Wisconsin

Department of Transportation (DOT), the FHWA, and as a private consultant. One of my sisters has worked for the FHWA and currently works for the New Mexico DOT. Another sister and my brother work for the Oklahoma DOT, and my wife is the Chief Engineer for the District of Columbia DOT. Having family members involved in the same industry gives me a perspective on how different agencies operate and how lessons learned can be applied to tribal governments. It also points out the great disparity between tribal governments and state DOTs. After graduating from Oklahoma State University with a degree in Civil Engineering, I worked for the Oklahoma (ODOT). It was a good time to be working in transportation because, in Oklahoma and many state DOTs, many people were nearing retirement. I started out as an inspector and then was a Construction Project Engineer. That was one of the best jobs I have ever had. I was out on a project every day. I cursed the cold days in winter and the 100-degree days in summer, but at the time I would not have traded for anything else. Being outdoors and having some independence at an early stage in my career was all I could have asked for at that point. I worked closely with the contractors and could see the progress every day. I learned a lot about construction and contractors. I worked on a big interstate project in Oklahoma City, and when I get back there, I



*BIA Highway 27/28 at Wounded Knee,
Pine Ridge Reservation, South Dakota*

occasionally find myself driving on the project I was part of years ago.

After working with the ODOT for a couple of years, I moved on to FHWA and began my wandering career path through different locations and different positions. I've moved from Oklahoma to Vermont, to Colorado, to Utah, to Wisconsin, to Texas, to Colorado again, to California and, finally, to Washington, DC. While this is pretty typical of other FHWA employees, there was always some uncertainty about where these moves were leading me. Each of these new opportunities has separated me from family, friends, and colleagues but has rewarded me with valuable experiences, both professionally and personally. I have also built lasting friendships and memories along the way. At the FHWA, I again had the opportunity to be out on construction projects. I worked on a couple of projects in Utah and also was assigned to on-site work for such projects during my time in Wisconsin. Career advancement moved me to technical positions in the FHWA that involved highway design, traffic engineering, and roadway safety. I then veered off the typical career path for engineers

and worked in the FHWA civil rights program in California for two years—an opportunity to work on a completely different facet of transportation. The civil rights program gave me the opportunity to see how the transportation programs affect and benefit different communities around the country. It led to an examination, for the FHWA and for me personally, on how communities, businesses, and individuals are included in transportation decision. When I moved with my wife to Washington, DC and into a position at the FHWA Turner-Fairbank Highway Research Center, I drew on my field experience as a safety and traffic engineer in working primarily with the Human Factors team at Turner-Fairbank. This is a job that I fell into more than pursued. I had not thought about working in a research position at that point in my career, but it gave me experience helpful in my career path.

While there, I worked with many researchers, helping implement research results in the field. Working in research exposed me to another different aspect of transportation. I was a practitioner working in the world of researchers and academics. I had to learn their vocabulary and values and how their research could be used by others. I realized I had something to offer based on my previous experience. This collaboration led to the FHWA developing a new position—Technology Facilitation Engineer—to which I was appointed and from which I was able to develop the scope and reach

of the new position and to work closely with field offices on new and ongoing research initiatives.

Transition to Tribal Program

While working in Colorado on safety and traffic issues, then in California in the FHWA civil rights program, I was also involved in working on tribal issues. I sought ways to get the state DOTs and our FHWA offices in the states to include tribal governments in discussions on project planning and development, and to include tribes in training and technical assistance opportunities. The Colorado DOT offered training sessions to local and county governments on traffic engineering, maintenance, and highway safety. I saw this learning opportunity as a perfect fit for the local tribes as well, and they were included in the training while I was there. I was part of the team that traveled through the state putting on training sessions. Other FHWA offices sometimes didn't see that they had a role in working with tribes, believing their only duty to be working with the state DOT. People in some FHWA offices felt that all tribal issues were exclusively the domain of the Bureau of Indian Affairs (BIA) or the Federal Lands Highway office. This often led to the tribes' issues not being addressed. The tribes would not get answers to their questions or be directed to the right person or office. This led to frustration on the part of many tribes. The FHWA works with planning

organizations, cities, and counties as well as state DOTs. I argued that we should work with the tribes as well when they sought assistance. This is still a challenge in the FHWA, but we have made tremendous progress over the last several years.

In 1997, I was part of a task force in the FHWA that developed a report on working with tribal governments. The report was a guide that helped define FHWA roles on planning, and environmental issues. The report also recommended that each FHWA division office meet with tribal governments in their respective state. The task force report was initiated after many FHWA offices encountered issues with tribes on projects in their states. The issues included legal questions on jurisdiction and rights of way, employment, state and tribal roles in environmental issues, and funding. The FHWA had been involved with the Indian Reservations Road (IRR) program for years, but issues arose outside that program among tribes, states, and the FHWA, and there was no guidance or coordination on how to proceed. Some thought that the IRR program was the only area where the FHWA should be working with tribes since it was direct funding for the tribes. I did not agree, believing that the FHWA has a responsibility to work with tribes and share the expertise of the agency. The FHWA has expertise in a vast array of transportation topics. My experience is that individuals in the FHWA are willing

to share their expertise and it seems to me that doing this with tribal governments should be part of our overall mission. The task force report helped to define the FHWA's role in assisting and working with tribes. While in the California Division, I proposed formation of a team made up of people in three western regions in the FHWA. At that time in the FHWA, Resource Sharing Teams were being developed that could address issues cutting across different offices and disciplines. This team was brought together to provide guidance and information on tribal issues and assist division offices and state DOTs in their interactions with tribal governments. The team was made up of myself and two others who had some experience on tribal issues. The team's input made me more aware of issues in tribal transportation around the country and made more apparent the need for guidance and assistance—the gap to be filled and the opportunity within the FHWA to create a structure for working with tribal governments. While I was working at Turner-Fairbanks, the FHWA announced their new Native American Program Coordinator position. I had heard some discussion about possible creation of this new post. I had long been interested in working with tribes because of my personal background and also because of the professional experience I had. Many of the issues and questions that came up about tribes had solutions, but no one was taking ownership of

the issues. I felt I had something to offer and could provide some direction and solutions, given the chance. While I thought the FHWA needed such a position, I had doubted it would really happen. I was eager to apply.



Buffalo Herd at Prairie Band Pottawatomie Reservation, Kansas

Creating New Positions

This was the third time I broke new ground for myself and for FHWA in a newly created position. When I became Civil Rights Program Manager in California, it was a new position. There were no positions like it yet in other FHWA offices. Since then, many FHWA offices have civil rights positions. I was working in a new job with new people and in a state

that was challenging federal initiatives related to the Civil Rights Program. At Turner-Fairbanks I also took on a role that was new for the agency. The Technology Facilitation position was newly created. I was able to use my background from the field and contacts I had made in the highway safety community to help move some research projects forward. For each research project under way, I worked to identify practitioners in the field to help provide input and review for the research. This helped to identify what research results would be of interest. I started the Native American Program Coordinator job in December 2000. Such a position had never before existed in the FHWA, and there was no model or path to follow. There was a broad range of issues and expectations from the FHWA side, the state side, and the tribal side. When I was appointed, the FHWA issued a press release on my selection. I knew some of the tribes would see it, and I did see that the press release was published in some tribal newspapers. I was surprised at the reaction to the FHWA creating this position, and it shows the interest there was from the tribes on a position like this in a federal agency. I was excited. I still am. I often tell people that if I could have written my own job description and created my own job, this would be it. I work with tribes on technical issues, policy and legal issues, and legislative issues having to do with tribal transportation needs. This path has allowed me

to use my engineering expertise, program knowledge, and background as a tribal member to work on and support issues that are important to tribes.

Issues

Issues tribes face in transportation are not much different from those other governments have. Funding is a key issue. Other issues relate to long-range planning and safety; and cultural preservation issues, legal questions, and policy issues come up frequently. While tribes have all the issues that other units of governments have, they do not always have the same level of staffing and resources to address the issues. This is one of the biggest challenges that the tribes face.

Tribes, as sovereign governments, also have unique issues, and they have a special relationship with the US government. The FHWA, like other federal agencies, is committed to working in a government-to-government relationship with tribal governments. This is something that has been a continuous message from the FHWA Administrator and top management. I began by meeting with tribes and tribal organizations at different conferences around the country to identify and assess the issues and the needs, and to more fully define the Native America program within the FWHA and determine the direction the agency needed to follow. While this

job has allowed me to draw on the experience and expertise gained in all my previous career posts, it is certainly not a one man job. Though I don't have a dedicated staff, I do rely on many others inside and outside the FHWA in accomplishing tasks and providing solutions. I work with our headquarters planners, safety specialists, legal counsel, technology transfer specialists, and FHWA leadership to develop solutions in this program.

Getting Others Involved

There are few positions in the FWHA that work directly on tribal transportation issues. Working with tribal transportation and effective implementation of the Native American program require a range of expertise and assistance. People from the FHWA who have become involved have done so, not because of direction from management, but because they were exposed to the needs of the program, identified areas where their expertise could benefit the program, and have become champions of the program. This has included people in the planning office, with whom I work very closely, and people in some of the field offices. These people share a commitment to working with the tribal program and have in common the determination and persistence to find ways to get things done. One of the challenges I face in my position has been identifying people in the FHWA to

be champions for tribal issues. The current federal transportation program is focused on state DOTs and it is important that the federal program also accommodate the changing tribal transportation program. Some of the people now working on tribal issues had not been involved in those issues before. Some people told me that they would like to do what I do with tribes, that it sounds interesting. The tribal transportation program is not so much about looking for a cultural experience, but rather a program with real needs and issues. For anyone that feels drawn to working with tribes I say to look at what they have to offer and not at what they think they will get out of working in the program.

Meeting Tribes

As the tribal coordinator for the FHWA, I have met with many tribes and visited many reservations and villages in many parts of the country. I have also been to several Native Alaskan villages. This has given me and the FHWA a chance to meet face to face with tribal officials in their communities. It has also given me an opportunity to see firsthand the transportation infrastructure in the different communities. In all of them, the people have been eager to talk about their community and their transportation issues and needs. Tribal representatives who have met with me also talk about the tremendous needs their communities have

and their commitment to finding ways to meet those needs. In many areas there are needs in the capabilities of the tribes, there is a desperate need for funding, and a need for the infrastructure itself. I have traveled to many places others may never visit. These places are not tourist or recreation destinations but are important because of the people who live there. I have been to remote Alaska villages and far corners of reservations on tracks only tribal members would know to use. In Alaska one of the trips I was on went to villages along the Yukon River. Landing in a small plane onto a dirt and gravel landing strip in a small village makes me more aware of the transportation options and mobility that exist other places in the country. It points out the unique transportation options that exist in Alaska and on reservations around the country. Some of the worst transportation infrastructure in the country exists on reservations I have visited. I have seen roads in Alaska and on the Navajo Nation that are impassable. I have been on roads that do not meet any current standard for design or safety. I have also seen projects that would make any DOT director or public works director proud. At the Rosebud Sioux reservation, I was taken to a newly completed bridge project that would be top-notch in any community. At the Navajo Nation and Seneca Nation, I have seen Geographical Information Systems, mapping, and data capabilities that are state-of-the-art. In other locations, I have seen new



Window Rock and Code Talker Monument, Navajo Nation, Window Rock, AZ

bridges, roadways , and bike paths. These projects are still overshadowed by the needs that tribes have. Everywhere I have been, people tell me they want to have infrastructure that will help their economy, that will get them to school, and jobs that will give them access to health care. In many parts of the country, it is taken for granted that there will be infrastructure that will meet expectations and needs. On many Indian reservations this has not yet been fully realized. The tribes always have a tremendous amount of pride in their communities. I have not only visited with them and seen their infrastructure and heard about their needs, I often am also introduced to tribal leaders and council members. I have met council chairmen and presidents. I was once introduced to a man who had been a Navajo code talker. These experiences

are humbling and rewarding. On one of my visits to the Prairie Band Potawatomi tribe, I was asked to cut the ribbon on a recently completed bridge project the tribes and the county had constructed. The tribe and county worked together on both the funding and the design for the project. I felt honored to be asked to do this. A photographer for the tribal paper was there. I still have a piece of the plastic ribbon in my office. This is not the type of thing I expected when I took this position, but it is one of the pleasures I get back from being in this job. At many reservations, I hear about the history and culture of the tribe, and I have seen many historic and cultural sites. Each place I visit, I am exposed to culture, language, humor, and hospitality. I have seen drum groups in Minnesota, and dancers in Alaska. I have been invited to cookouts and been introduced to family members of the people I work with at the tribes. I have been invited back to different reservations for dances and powwows and I do hope to make it back to many these places to see the progress that has been made in transportation. Whether it is part of work or a personal trip I hope to come back and see the people that I have met. These unexpected benefits of working in this program are part of what makes me want to do my part to get tribes where they want to be in transportation. While I feel it is important to see different areas and see first-hand how transportation systems and infrastructure

are operating, I am invited to many more places than I can get to each year. Although my visits with the tribes are short, they do help me gain perspective on their needs and enable me to see the transportation systems they use every day. It helps me to recognize and appreciate the access the tribes have, or don't have, to services and jobs. On a trip to one reservation, during a break in a meeting I asked whether there was anything I should see before I left the next day. The person I asked said, "Sure. We got some time during break. Let's go". We were gone for three hours. While I missed most of an afternoon meeting, I learned a tremendous amount about the tribe's transportation, communities, and history. Experiences like this are the ones that help deepen my understanding of tribes' needs and how FHWA programs can assist tribes. One of my visits was to the Red Cliff Indian reservation where I am an enrolled member. I did not grow up there but have been there a few times while growing up. My mother grew up there and her family still lives there or in nearby towns. While Red Cliff has a small program and staff, they spent the better part of my visit there talking about their needs and some of the projects they are working on. Visiting there and going to other reservations around the country reminds me of what I am working for in this position. Before I left, one of the staff from Red Cliff whose family, like mine, has a common history there, gave me a pouch of tobacco.

I was very touched and felt this was significant. I felt accepted, trusted, and respected. Before I left that day to travel to one of the other reservations in Wisconsin, I stopped by my grandmother's grave at the cemetery on the reservation. This was a chance for me to offer my respects and reflect on where it is I come from and where I as an individual have to go. I feel an obligation to give back some of the knowledge and expertise I have, not just to my tribe but to all others working in tribal communities. Another aspect of going to different conferences and reservations is the contacts and friendships that I have made. Some individuals with whom I at one time I had adversarial relationships are now people I look forward to seeing the most. Our differences led to discussion, understanding, trust, and friendship. There continue to be issues we don't agree on, but we do agree that we want to improve tribal roads and build programs with the tribes. I remember one of the first meetings I attended with the tribes after I got this job. I said to a man I knew before I took this position, "Building roads is going to be the easy part of this." His response was, "Yes. Building bridges between people will be the hard part."

Successes

In some places, the tribes and states have not had a good working relationship. Any number of historical or cultural issues has contributed to this. Things

are changing in this arena. Whether it's a change in attitudes, education, or cultural awareness more people at state and federal agencies and at the tribes are working together. Often non-Indians are intrigued by the cultural aspects of Indian tribes and people. In transportation, the successes have come when people use their expertise to identify issues and work to provide solutions. This has led to states and tribes having discussions and working together. Sometimes it has come about due to the perseverance of individuals at the tribe. At other times it has resulted from openness on the part of someone at a state DOT who has listened to issues and seen the transportation need. Some tribes and states are partnering with each other on roadway construction projects. In a number of states, the state DOT and tribes meet annually to discuss issues and needs and to assess progress. Minnesota has an annual Tribes and Transportation conference. Washington State DOT and tribes meet annually on transportation issues. Arizona and tribes meet in periodic partnering meetings.

Many tribes have initiated projects and programs that are setting the standard for the state of the practice in tribal transportation. Whether this is taking on highway maintenance programs, developing transit programs and facilities, or using tribal gas tax revenues for tribal road projects, the tribes have seen their ideas become successful. This is important

for other tribes to see. Other tribes can use these successes as models for their own programs.

For the FHWA this is also an opportunity to help share the story and continue to raise the bar on what defines a successful program.

Some state DOTs have created tribal liaison staff positions. These people have been key in working with tribes on coordination issues, training, and partnering on transportation issues and projects. As FHWA Tribal Transportation Coordinator, I have also met with the state tribal liaisons to share success stories and talk about the state of tribal transportation programs. This has helped raise awareness of tribal transportation needs beyond just the tribal transportation community. Many examples could be cited to illustrate tribal/state cooperation on highway projects. In New Mexico, the state provided the design for an intersection project on a reservation, and the tribe carried out the construction work. In Wyoming, the state DOT and tribes have worked on a jointly administered project, and the state has hired tribal members on projects as interns to gain experience in construction contract administration. For the past ten years, a National Tribal Transportation Conference has been sponsored by the Tribal Technical Assistance Programs (TTAP) and supported by the FHWA and the BIA. The FHWA administrator was invited to the fifth annual conference. Some in the agency did not think this event merited

her attendance. I sent e-mails and made phone calls to convince staff that this annual event is important for FHWA as well as the tribes. A couple days before the event, the Administrator's office confirmed attendance. We have had participation from the FHWA Administrator or Executive Director at the conference each year since then. In addition to addressing conference sessions, I have arranged for different tribal governments to meet with the FHWA Administrator in one-on-one sessions during the conference. This gives tribal leaders a chance to meet FHWA top management and allows the Administrator to hear directly from the tribes their concerns and issues. When I first proposed this, the notion was greeted with skepticism and I was advised to not pursue it. These meetings have proven over the years to be very popular and positive with both the tribes and the FHWA's top leaders. One of the challenges in the tribal program has been to develop guidance and research that is tribally driven. I drafted a proposal for a study on the state of tribal transportation programs. After sharing this idea with others and working to identify funding sources, an opportunity arose to pursue this study as part of the National Cooperative Highway Research Program's (NCHRP) Synthesis Program. Through this program, a review panel was assembled which represented tribal governments, FHWA, BIA, state DOTs, and academia. Nearly all the people on

the panel were also tribal members. The study profiled how a number of tribal governments are pursuing transportation programs. The study was published in 2007, almost four years after the original vision, and represents the hard work and determination of many people. It also demonstrates the expertise of native people who are working in transportation professions around the country.

Conclusion

Sometimes the tribal transportation program is not the most talked-about program in the FHWA, but the work is significant and substantial. I feel the work I am doing is making a difference for tribal transportation programs around the country. While it took me several years and a variety of positions, the opportunity did come my way for a job I embrace. The path I took to get here was uncertain, but I feel that I have arrived at the right place.

My current job is very different from the other positions I have held in my career, and my relationship with it is also different. Earlier in my career, I looked to jobs for what I would get out of them. While I feel I made valuable contributions with the work I did, I was then focused on the experience, advancement, and salary I would earn. Working with the tribes has been more about what I can give than what I can

gain. My father was part of an era in transportation, beginning in the 1950s, that was important in building the interstate system. I feel fortunate to be part of another important transportation era: working with the tribes in what I think one day will be seen as the beginning of the tribal transportation era. One day I will be able to look back at the beginnings of a program and realize that the vision for the program has been fulfilled. Tribal governments will one day have Tribal DOTs and be responsible for operating their day-today program. The FHWA may very well have an office and individuals that work with tribes to partner and share success. The work being done with tribes will be seen as important, not only to the tribes, but to the FHWA as well. Tribal transportation will be seen as an important part of our mission and will be recognized, not just by a niche market of champions of the program, but overall by the agency.