

## **Addressing Proposed Changes to the TTAP Program**

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Recent administrative efforts by the FHWA have advanced a proposal to dramatically alter the federal structure of support for tribal governments through the restructuring of the Tribal Technical Assistance Program. These discussions do not appear to have started with an understanding of sovereignty for tribes, active involvement of all tribes and TTAP program staff and boards, or recognition of the success of tribal governments to take over tribal transportation programs and successfully manage and expand these programs working with federal partners, notably the FHWA and the BIA. A new program administrator was put in place last year to oversee the TTAP effort, but instead of starting with TTAP programs and the tribes, an alternative assessment of quantitative efficiency was conducted to create an alternative to the regional structure served by individual TTAPs, each with their own board to address regional issues of tribes. The history of tribal transportation, regional differences, and the history of tribes in being recognized as sovereign nations seem to have been overlooked for some measure of program efficiency. Efficiency is important, but the purpose of the original ISTEA, subsequent transportation acts including the FAST Act all recognized and supported tribal sovereignty and carefully developed processes to involve tribes as sovereign nations to assess and make decisions related to tribal programs. During the TTAP assessment process it is not clear that the leadership of tribes was recognized or respected in control of tribal transportation programs.

Tribal leadership met with congress as part of hearings and development of ISTEA, and established participation that has evolved successfully around regional and tribal differences and structures that provide tribal input and leadership in the operation of each TTAP. The latest efforts to produce change in the proposed structure of TTAP centers have not actively involved the TTAPs, their Boards made of tribal, federal, state and other partners, or all tribes. FHWA has verbally proposed disruption and ending existing contracts without formal consultation of tribes, and have limited input into the process of restructuring.

From its beginning ITA has found that there is great variation in transportation by region, in tribes, and in their tribal transportation programs by tribe and by region. Limiting input and influencing outcomes leading to a new TTAP structure to address the needs of tribes are not part of sovereignty or tribal control and oversight of programs that affect tribes.

There is every reason to embrace change if it supports tribal sovereignty and tribal transportation efficiency. There is no reason to bring short-term change without engaging all tribes in meaningful participation in decision-making and operation of the TTAP effort. Each TTAP has a professional staff well-versed in tribal issues including sovereignty, and a required board that includes tribal involvement, and key tribal organizations along with each sovereign nation have a role in understanding and making decisions that impact their programs. There is concern that administrative efficiency has been the driver for tribal transportation changes proposed for the TTAPs, and that the powers of tribes, the historic efforts of tribes to include wording into tribal transportation acts working with congress that recognize and support tribal decision-making and tribal

sovereignty, and the tremendous success of tribes in this effort, would be displaced by a new structure that is not clearly not in line with the needs, issues, and concerns of tribes. This report seeks to clarify these issues.

### **The History of Tribal Transportation**

American Indian Reservations have only in the last three decades been recognized and granted powers to control their own transportation systems, in effect part of the transformation of transportation from an engineering focus on the highway road surface to include all aspects and contexts of transportation. The Intermodal Surface Transportation and Efficiency Act of 1991 vastly expanded the scope and context of transportation, to include safety, enhancement, and intermodal contexts for transportation, but also recognized American Indian tribal transportation issues, recognizing that tribes had been excluded from or limited in participation in the highway transportation programs, and stating that tribes were required to be part of the review of all federal and state planning and decision-making. ISTEA also suggested a framework of support so that tribal transportation programs could be established to make all decisions related to reservation transportation systems. This was based on recognition of tribal sovereignty, and the powers of each individual federally recognized tribe or nation to be in charge of all transportation programs, services, planning, development and operation of transportation programs and services.

The Transportation Research Board assisted in recognizing tribal sovereignty and the needs of tribes through a first-time national conference on American Indian

transportation held in Spring, 1993. This meeting, also co-sponsored by the Affiliated Tribes of Northwest Indians and the Salish-Kootenai Tribe of Montana, was held at Poulsen, Montana. It was an extremely positive meeting for tribes that identified the wide range of transportation programs and issues, the difficulty of serving tribes with funds through the Indian Reservation Road (IRR) Program (now TTP) while tribes were also eligible for almost all pass through federal money that came from state decisions. The most critical issues for almost every tribe was that tribes had been excluded from or limited in their control and oversight of their own transportation programs and decisions, a fact that had deep historic roots and lacked an understanding of tribal sovereignty and the proper powers of tribes. By 1994 the Inter-Tribal Transportation Association was created to provide tribes with a mechanism to address the lack of involvement and control, the lack of sovereignty for federally recognized American Indian tribes.

The first Tribal Transportation Conference at Poulsen also identified the need for major transitions across the transportation field for tribes to embrace all aspects of transportation, and to recognize and assume their role in decision-making to serve their own people and address critical needs, programs, and services. The bill utilized the successful model of transportation being delivered to the local level under states through the Local Technical Assistance Program (LTAPs) by creating parallel regional institutions to identify and address the special needs of transportation for American Indian reservations through what would become Tribal Technology Assistance Programs (TTAPs). Regional tribal transportation assistance programs were created under FHWA to work with tribes to provide training and technical assistance for all aspects of

transportation for each tribe within each region. This program was funded by and worked with FHWA and the BIA and other federal partners, and with states. Over time, each TTAP created a Board or Committee consisting of representatives from tribes, federal partners, and states to guide and provide oversight to the TTAP Programs, and those initial programs were expanded from five to seven to serve Alaska and un-met regional tribal needs.

Creating a Tribal Future through Sovereignty, Engagement and Efficiency.

The key to the future of tribes is not efficiency alone. Unlike states, the structure of tribes differs, as does each language, culture and history represented by sovereign nations. The government-to-government administrative guidelines of the federal government recognize and support the tribal sovereignty of each federally recognized American Indian Reservation. The devastating history that limited tribal decision-making is being addressed through sovereignty, through tribal education, leadership, and advancement. It is hoped that the recognition of sovereignty, the successful leadership of tribal governments and their expanding Native American staffs, along with efficiency will guide tribal transportation of the future. Engagement, a critical concept for contemporary transportation, is needed for tribes to properly discuss and critically assess the TTAP Program through fair and unbiased processes.