



NATIONAL ASPHALT  
PAVEMENT ASSOCIATION

# SUCCESSFUL ASPHALT ADVOCACY

## A Handbook for Effective Engagement





# Raise Your Voice for Asphalt Pavements

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At every level of government, decisions are made that impact how we do business and go about our lives, and we should all work to ensure legislators understand the real-world effects of their decisions. We must all play a role in persuading legislators of the importance of infrastructure and highway funding and advocating for our industry. **Every one of us can be a strong advocate — educating legislators and decision-makers about our industry and developing meaningful relationships** with them for the common aspiration of a safe, reliable transportation network.

The National Asphalt Pavement Association (NAPA), the Asphalt Pavement Alliance (APA), and the State Asphalt Pavement Associations (SAPAs) advocate the superior benefits of asphalt pavements to key federal, state, and local decision-makers, but **this work is strengthened by the voices of producers and contractors who can relate to lawmakers both as employers in their district and as constituents.**

Developing these relationships with lawmakers is more important than ever. The cement and concrete industries, together, are actively lobbying to advance legislation that would increase market share for concrete pavements. As part of their efforts, these industries have introduced legislation in statehouses across the country with the intent of tilting the playing field in favor of concrete pavements. **The nature of this new threat and the strong, combined forces at work to shrink the asphalt pavement market share mean that being a citizen advocate is a necessity for your business.**

To help asphalt mix producers raise their voices and engage with decision-makers, the NAPA Legislative Committee and staff have developed this guide. It outlines steps to take in assembling an integrated strategy that will successfully advocate for the asphalt pavement industry and turn aside efforts to erode the market share of asphalt pavements, including cement and concrete pavement industry legislative threats at the state level.

As always, NAPA appreciates the support it receives from its members, and we stand ready to support you in your citizen advocacy efforts. Simply reach out to the NAPA Government Affairs team with any questions.

Sincerely,



Jay Lemon  
President  
Haskell Lemon Construction



Audrey Copeland, Ph.D., P.E.  
President & CEO  
National Asphalt Pavement Association



**Jay Lemon**  
**Legislative Committee Chair**



**Audrey Copeland, Ph.D., P.E.**

## Your Action Plan for Success

Become a Citizen Advocate.....	p. 2
• <i>Growing and protecting your business' market share requires engagement with lawmakers and other decision-makers.</i>	
Be Aware & Ready.....	p. 3
• <i>Know your story, understand the threats, and be proactive to protect your business interests.</i>	
Build Relationships.....	p. 5
• <i>All politics are local and your relationship with lawmakers and your community is the single most important tool in securing positive outcomes.</i>	
Engage the Legislative Process.....	p. 8
• <i>Understanding how legislation is developed and where the pressure points are in the legislative process is key to being an effective citizen advocate.</i>	
Stay Active.....	p. 10
• <i>The story does not end with a meeting. Constant vigilance and attention are necessary to ensure long-term success.</i>	
Resources.....	p. 10

## Become a Citizen Advocate

Advocacy focuses on educating or influencing representatives in our government. One of the most effective advocacy strategies is when a constituent — *you* — presents key facts to a legislator or government official on a pavement issue. NAPA and SAPAs develop fact sheets and target lists to maximize the effectiveness of the visits with decision-makers. You need only a voice to be an advocate, and such efforts are more likely to be successful when many people add their voices to the process.

Whether or not your state is currently targeted by the cement/concrete industry, **advocacy is a very important tool in the toolbox to grow and protect the asphalt pavement market.** Advocacy can set the agenda (proactive) or respond to the cement/concrete industry's agenda (reactive). Industry leaders should not wait for the cement/concrete industry to introduce legislation to act, but rather **take a proactive approach** so that, when an issue arises, you are fully prepared to deal with the threat.

This citizen advocate campaign to protect the asphalt pavement market is not a sprint, but a marathon. The best way to manage the threat is to put an advocacy plan in place and start implementing it now.

While having an advocacy plan is a must, it is also important to **recognize that no one strategy fits every situation.** Legislation introduced at the behest of the cement/concrete industry has taken many forms, from mandating annual concrete projects (Massachusetts), calling for a study on the benefits of concrete pavements (Maryland), or mandating the selection of a



contractor based on the lowest life-cycle cost of the project (Missouri). All these bills require slightly different arguments. Moreover, the decision-makers, industry players, and roadway owner-agencies are all distinct. Therefore, each level of decision-maker must have an engagement plan that fits the unique situation and specifications of the state or locality.

**Advocacy and engagement are most effective when they are based on facts, draw on practical experience, and are supported by trusted data sources.** The cement/concrete industry is grounding many of its arguments in the idea that life-cycle cost analysis (LCCA) can be used to favor the long-term costs of ownership of concrete pavements compared to asphalt pavements. However, this case is highly dependent upon the reliability and applicability of the data used in LCCA. Not all states take full advantage of available pavement management system (PMS) data when making decisions, including determining LCCA inputs. NAPA is strongly encouraging states to develop and employ data-driven processes to inform their pavement type decisions. This is a message asphalt pavement industry advocates can use to oppose legislation mandating indiscriminate use of LCCA.

## Be Aware & Ready

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**Citizen asphalt advocates need to take proactive steps to protect the asphalt pavement market.** A good first step is to **prepare a fact sheet on your company** and keep it up to date. How many people are employed; how much in taxes are paid; how many asphalt plants you operate and where are they located; the local businesses your company directly supports, including equipment dealers, material suppliers, restaurants and catering, etc. Also include community projects, industry awards, and the company's support of safety and environmental issues. The results will provide important talking points when meeting with lawmakers and other high-level decision-makers.

Another important step advocates can take is to work with their SAPA or other construction groups in the state or region to acquire data from their state's pavement management system, review it, and understand it. Contractors can also work with their SAPA to develop and



## GRASSROOTS SUCCESS: Delaware

*In 2017, Sen. Tom Carper (D-Del.) was serving as ranking member on the Senate Environment & Public Works Committee. To help educate the senator about the need for sustainable, robust highway funding, Allan Myers Inc. invited Carper to tour its Dover Asphalt Plant. As part of the visit, the company prepared a briefing book for the senator, including an accounting of its 282 employees in Delaware and the more than \$43 million paid in state and federal taxes annually. Following the tour, Carper returned to Washington to address several bills of importance to the industry, including the fiscal-year 2018 highway system appropriations bill and the FAA Reauthorization Act of 2018.*



Since its inception in 1939, Allan Myers has made quality construction an operational priority. Currently Allan Myers Company operates 15 asphalt plants, with operations in Delaware, Maryland, Pennsylvania and Virginia. Allan Myers is the #1 transportation contractor in the Mid-Atlantic region according to [Engineering News-Record Magazine](#). The company is led by Ross Myers who joined the company in 1972 (3<sup>rd</sup> Generation).

The Dover Asphalt Plant's asphalt mix has been used in many Delaware Department of Transportation projects, Dover Air Force Base runways and taxiways and commercial projects throughout Delaware. The facility can produce 400 tons of asphalt mix per hour and has 900 tons of storage capacity. Dover Asphalt Plant also produces quality Warm Mix pavement.

The Dover Asphalt Plant is a Maryland Certified Asphalt Plant and a Delaware Approved Asphalt Plant, and has a AMRL-certified lab. It also enjoys FAA certification and has received the Diamond Achievement Commendations.

### Allan Myers impact in Delaware

#### Direct Jobs

282 Delaware resident employees  
\$90 million in Delaware annual sales  
500,000 tons asphalt produced annually

#### Nearly 1,000 Other Jobs Supported by Allan Myers

Independent Truckers	Engineering Firms
Subcontractors	Equipment Dealers & Service
Local Retailers	Tire Suppliers
Equipment Suppliers	Electrical Contractors
Parts Suppliers	Fuel Suppliers
Aggregate Suppliers (sand and stone)	Liquid Asphalt Suppliers

#### Delaware Taxes PAID by Allan Myers in 2015

Payroll (state) Taxes	\$472,000	
Unemployment Tax	\$259,657	Another (\$2,184,430 in other states)
Fed Income Tax	\$19,541,177	
Social Security	\$16,686,109	
Medicare	\$4,112,560	

Allan Myers creates or supports nearly 1,000 jobs annually in the region, contributes more than \$11 million each year to personal income and averages \$100 million to total sales revenue in Delaware. These are very impressive numbers for a family-owned business.

maintain a database of projects that can serve as case studies for successes or cautionary tales. This sort of real-world data should be the basis for any talking points prepared to make the case for asphalt's superiority as the pavement of choice for transportation agencies across the country.

**One key component of an effective, proactive advocacy plan is an early warning system.** If the industry is surprised by legislation introduced in the legislature, then the asphalt pavement industry is already behind. Effective advocacy and engagement mean continuously monitoring lawmakers and state transportation agencies. A significant amount of public information is now online, which makes the job easier.

For example, NAPA maintains a state legislative and regulatory tracking system to monitor bills and regulations as they are introduced in all 50 states. If a bill is introduced, NAPA informs the SAPA and members in that state. In some cases, NAPA is aware of legislation before it is introduced. **In all cases, rapid response is critical to effectively deal with the issue.** Buoyed by strong citizen advocates with compelling stories and talking points based on facts, the industry can advocate on the issue effectively and enjoy a successful outcome.

**Don't wait for legislation to be introduced to act.** Waiting until legislation is introduced to acquire the necessary information is generally too late, especially toward the end of a legislative session when issues move quickly and under the radar. In order to make a good case for or against a bill, you must have a clear, rational purpose for achieving your objective and good data to support your request.

**Networking with your peers in and out of government is also a great source of information.** The informal networks developed through effective advocacy are a good means of gaining advance warning of issues that may impact the industry. This makes it possible to meet with



## GRASSROOTS SUCCESS: California



*The debate over fuel taxes — the key feature of California's Road Repair and Accountability Act of 2017 (SB1), which is expected to generate more than \$50 billion transportation improvement dollars over the next decade — was one of the most high-profile battles of the 2018 fall campaign season in California. A ballot measure to*

*repeal SB1 qualified for the Nov. 6 General Election as “Proposition 6,” so the former pro-SB1 “Fix Our Roads” Coalition re-branded itself as a “No on 6” political campaign. The potential repeal of SB1 was considered an existential threat to the asphalt pavement industry. The California Asphalt Pavement Association (CalAPA) and its member companies poured more than \$6 million into the “No on 6” campaign and participated in numerous grassroots campaign activities. Other anti-Prop. 6 forces raised more than \$40 million to oppose the measure, paying for massive television ad buys across the state in the run-up to Election Day. Thanks to these grassroots activities, the asphalt pavement industry scored a major win on Election Day, defeating Prop. 6 and avoiding a roll back of the SB1 fuel taxes. In addition, several elected officials who backed the gas-tax repeal also were defeated at the polls.*

legislators before legislation is introduced and positions solidified. Once a bill is introduced, a legislator will be hard-pressed to change his or her mind. The best time to affect legislation is before it is introduced, which is why NAPA urges proactive, on-going engagement to deal with these issues.

## Build Relationships

**An advocacy plan without grassroots is like having no advocacy plan at all.** The first step in building an effective engagement effort is to **ensure that you and your legislators know one another.** Do not wait until a legislative threat is on the horizon. Relationships should be cultivated with lawmakers and their staff well before any legislative threat is on the horizon.

These relationships will allow asphalt pavement industry representatives to educate legislators and their staff on the economic and environmental benefits of asphalt pavements in the state.

Actions that may be taken for creating and activating a grassroots network include:

**Educate yourself.** Getting an early warning of harmful legislation can be difficult. NAPA and SAPA meetings can be an opportunity to learn about what is taking place nationally or in nearby states, as well as to understand possible impacts on industry. It is important to recognize that harmful pavement type-selection legislation that passes in one state can quickly become a threat to other states. NAPA and the APA are great resources for providing updates

on national issues to the asphalt pavement industry at state association meetings.

**Arrange meetings with legislators**, both on your own and in groups with other industry leaders from the geographic areas the lawmaker represents. An advantage for asphalt is the fact that our industry's production and/or paving operations are active in just about every legislative district in every state. This may not be true for companies building concrete pavements in your state.

In a "getting to know you" meeting, present facts about your company: number of jobs represented by the company, economic impact of the asphalt pavement industry in the state or district, etc. **Remember that legislators are always eager to form relationships with their constituents and the voters they represent.** The legislator will want to know why you are there — what are you asking for? A basic, high-level "ask" is for robust funding for public works and infrastructure investment. If you have additional "asks" around specific legislation or other policies, work out the exact wording and supporting points prior to the meeting.

**Build relationships with legislators' staff members.** The typical legislator faces an overwhelming number of issues in each legislative session. Educating a staff member is often just as important as educating the legislator — if not more important.

**Know your audience.** Different legislators have different priorities. Make sure you understand a lawmaker's interests and use the arguments most likely to resonate with them. For example, you might emphasize the environmental benefits of RAP to a legislator with a pro-environment voting record, and spend more time talking about the potential cost savings of asphalt with a fiscal hawk.

**Consider special events, including plant and job-site tours, in-office meetings, a legislative**





## GRASSROOTS SUCCESS: Missouri

*During the 2019 Missouri legislative session, the American Concrete Pavement Association (ACPA) filed legislation directing the Missouri Department of Transportation (MoDOT) to require alternate bidding (AB) with a life-cycle cost adjustment (LCCA) on all projects, including thin-lift overlays. MoDOT policy already requires AB on all full-depth construction over 1 lane-mile in length. The Missouri Asphalt Pavement Association (MAPA) mobilized quickly to oppose the legislation, standing firm on the position that engineering decisions should be made by MoDOT engineers, not the state legislature. MAPA's Governmental Affairs team launched a multipronged effort to defeat the bill, drawing upon resources from our NAPA and APA partners, engaging industry partners, and activating the strong grassroots influence of the MAPA membership. MAPA educated key members of the state legislature about why the APCA-backed proposals were bad bills. MAPA also worked with MoDOT and other industry associations to help lawmakers understand the consequences of the legislation, enlisting their support to defeat the legislation. Finally, MAPA rallied its membership to participate in an annual legislative drive-in, as well as to testify at committee hearings. Through this focused effort, MAPA and its members defeated the legislation.*

**drive-in to the state capitol, etc.** Include elected officials from the local, state, national levels in the planning. Coordinate the event with allied stakeholders; for example, aggregate suppliers and laydown contractors. **Share these events on Facebook, Twitter, Instagram, and other social media channels, tagging the lawmaker** so that they can see any photos or messages you've shared. Visit the NAPA Government Affairs website for resources on how to plan and execute these types of events.

**Consider fundraising activities and contributions.** Show your support for legislators who understand the importance of good roads — and paying for them — in their communities. Make sure you know the relevant campaign finance regulations; local, state, and national offices have different contribution limitations.

**Coordinate and collaborate** with NAPA's federal advocacy team and with your state asphalt pavement association. NAPA has a wealth of information and SAPAs are in the best position to coordinate statewide advocacy activities.

**Don't assume your interests are fully represented by others.** Be aware that some states rely on general-interest construction associations for legislative guidance and response. Material-specific topics are not always immediately -recognized as a concern by these groups. That said, experience has shown that once general-interest associations are aware of how legislation can pit one material against another, they tend to stand with the asphalt pavement industry to oppose pavement type mandates.

**Build broad coalitions.** It is important to build relationships with other associations, as well as with business and community groups, early. Invest time and goodwill in coalition building — the return on investment will be substantial!



# Engage the Legislative Process

As bills with the potential to tilt the playing field towards concrete paving are introduced in the state legislature, understanding the legislative process becomes critical. **Decisions made during legislative sessions have a deep and lasting impact on the asphalt pavement industry.** As bills move through the legislative process, there are multiple opportunities to amend or adjust legislation. It is extremely important to ensure these changes protect and strengthen the asphalt pavement market.

**When a bill is introduced, a committee meeting or hearing is the inevitable first step.**

Committee hearings offer the asphalt pavement industry the best opportunity to participate and to articulate the asphalt pavement industry's position. This can be through testimony, emails, telephone calls, and letters. Your participation in a committee hearing can make a big impact. Public testimony can influence the committee's action and becomes part of the permanent record.

As soon as a bill is introduced, the following actions should be taken:

**Read the bill carefully and evaluate the language.** Wording that sounds innocuous may hide a specific cement-oriented agenda. Consult NAPA and your SAPA for guidance.

**Determine your stance.** What specific language do you support and what do you oppose? Would alternative language or alternative provisions be more acceptable to the industry and your business? Are there potential unintended consequences of the proposed bill that you can highlight?



**Understand the lay of the land.** Look for other industries or groups that may be affected by the bill. Determine their positions and whether or not your interests align in a way that supports coordination and cooperation.

**Reach out to experts and witnesses whose testimony would be helpful.** Expert testimony is well-regarded in legislatures. The term “expert” may include local industry members, such as producers and contractors or small-business owners whose businesses are impacted by the legislation, etc. Another group of experts includes those with outstanding technical credentials, such as local or nationally known consulting engineers and academics.

**Develop talking points.** Build the story about why asphalt is a better choice than concrete in your state. Be forewarned: based on experiences in other states, the cement and concrete industries will likely attack asphalt, not just tout the benefits of its products. Your talking points should be brief and not highly technical, but specific data points make for stronger arguments.

**Use documents developed by NAPA** as the basis for developing state-specific documents.

**Highlight personal stories.** Only you can speak in personal terms about how a bill will impact your business and your employees. Speak in personal terms about specific projects, operations, and outcomes in legislators’ districts. Put a face to the workers and the communities affected. It is this sort of personal, emotional storytelling that supports the facts presented and underscores what is at stake in a way that will resonate with lawmakers.

**Document the performance of asphalt and concrete pavements** in your state and be prepared to discuss how they compare. Supporting materials could include photographs of pavements, documentation of remove-and-replace projects, facts about the user delays associated with concrete construction/rehabilitation, etc.

**Quantify the economic impact of the asphalt pavement industry** in the state: number of jobs represented, taxes paid, economic impact, etc. You might mention specific projects where the use of asphalt created economic opportunities or spurred economic development. When there are no concrete paving companies in the state, include that information. Highlight what happens when your state’s limited road construction dollars flow to another state.

**Discuss the benefits of RAP** in your state. RAP preserves raw materials, saves money, and puts the reclaimed material to productive use, instead of into a landfill. For help in quantifying the environmental impact of reuse/recycling, contact NAPA’s Engineering, Research, & Technology team.

**Recognitions from NAPA and state associations can be cited to document asphalt excellence.** Examples include state paving awards, NAPA Quality in Construction and Operational Excellence Awards, APA Perpetual Pavement Awards, and NAPA Diamond Commendations.

**Prepare the experts and witnesses prior to the hearing.** Coordinate the roles of the various witnesses and assign specific types of testimony to each witness. A face-to-face rehearsal is of tremendous value. Consider using a presentation trainer during your preparation period. Feel free to request help in the preparation process from NAPA.



# Stay Active

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After a meeting or hearing, create opportunities to follow up with lawmakers sitting on the committees of jurisdiction. Send additional handouts and arrange face-to-face follow-up meetings. After a meeting, send a thank you note and an invitation to tour your plant or a job site. Visit NAPA's Government Affairs website to learn how to schedule a plant tour and for tips on conducting a meeting with lawmakers.

Also, keep NAPA and your SAPA informed about your activities. Knowing who is talking to which lawmaker and hearing how those relationships are progressing helps calibrate and direct national and state resources effectively to best persuade lawmakers.

While much of this guide focuses on lawmakers and the legislative process, engagement with governors and executive branch officials is equally important.

Defeating legislation from the cement/concrete industry in one legislative session is not the end of the story. This is a well-organized, well-funded, multiyear campaign coordinated through several national associations and their state and regional affiliates. When one bill fails, another is likely to be introduced in the next legislative session. Vigilance is the price of market share.

## Resources

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For tools, resources, and ideas, along with templates to aid in engaging with lawmakers, visit the NAPA Government Affairs website at [www.AsphaltPavement.org/Grassroots](http://www.AsphaltPavement.org/Grassroots).







## National Asphalt Pavement Association

5100 Forbes Blvd.  
Lanham, MD 20706-4407  
[www.AsphaltPavement.org](http://www.AsphaltPavement.org)

☎ 301-731-4748 • 📠 301-731-4621

GA-0001



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