

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: RHODE ISLAND DEPARTMENT OF TRANSPORTATION

RULE IDENTIFIER: ERLID 1255

REGULATION TITLE: PETITION FOR PROMULGATION OF RULES

RULEMAKING ACTION: *Direct Final*

Direct Final: If no formal objection is received on or before **MARCH 16, 2018 Rhode Island Department of Transportation** will file the **repeal** without opportunity for public comment.

TYPE OF FILING: *repeal*

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date: FEBRUARY 14, 2018

End of comment period: MARCH 16, 2018

SUMMARY OF PROPOSED RULE: These regulations establish conditions under which RIDOT will consider the promulgation, amendment, repeal or declaration of any rule. This is a duplicative version of an adoption of the regulation 290-RICR-30-00-7, "Petition for Promulgation of Rules and Declaratory Orders," and is no longer needed.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **MARCH 16, 2018** to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address:

SIOBHAN L. STEPHENS-CATALA, ESQ., SENIOR LEGAL COUNSEL
RIDOT
2 CAPITOL HILL, PROVIDENCE, RI 02903

Email Address:

Siobhan.catala@dot.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address:

Rhode Island Department of Transportation
2 Capitol Hill
Providence, RI 02903

FOR FUTHER INFORMATION CONTACT:

Siobhan L. Stephens-Catala, Esq., Senior Legal Counsel
RIDOT, 2 Capitol Hill
Providence, RI 02903
401-222-6510 ext. 4463
Siobhan.catala@dot.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

Benefits in improving clarity in understanding the regulation and law. Any changes in societal costs are de minimus. For full regulatory analysis or supporting documentation see agency contact person above.

Authority for This Rulemaking: *R.I. Gen. Laws § 42-35-6*

Regulatory Findings:

In the development of the proposed **repeal** consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Repeal:

Rhode Island Department of Transportation proposes to repeal ERLID 1255, "Petition for the Promulgation of Rules," as follows:

~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS~~

~~DEPARTMENT OF TRANSPORTATION~~

~~PETITION FOR THE PROMULGATION OF RULES~~

~~Effective March 1, 1977~~

~~I. PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL~~

~~As prescribed by Section 42-35-6 of the General Laws of Rhode Island, any interested person may petition the Agency Director requesting the promulgation, amendment or repeal of any rule. All petitions shall be considered by the Director and said Director may order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal or modification of any rule. The Director shall notify the petitioning party, within the time specified by law (30 days), of the disposition of the petition.~~

~~FORMS~~

~~At the top of the page shall appear the wording "Department of Transportation". On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules.)" Opposite the foregoing caption shall appear the word "Petition."~~

~~The body of the petition shall be set out in numbered sections. The first section shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule (or rules) or amendment or repeal of existing rules or rules. In the second section, in case of a request for the promulgation of a rule, the requested or proposed rule must be set out in full. Where the petition requests the amendment or~~

~~repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The third section must include all the reasons for the proposal of the petitioner together with briefs of any applicable law.~~

~~Petitions shall be dated and signed by the person or entity named in the first section or by his attorney.~~

~~II. PETITIONS FOR DECLARATORY RULINGS~~

~~As prescribed by Section 42-35-8 of the General Laws of Rhode Island, any interested person may petition the Agency Director for a declaratory ruling. The Director shall consider the petition and within 30 days the Director shall:~~

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~~PETITION FOR DECLARATORY RULINGS (cont'd)~~

- ~~1. Issue a binding declaratory rule; or~~
- ~~2. Issue a non-binding declaratory ruling including reasons for such ruling; or~~
- ~~3. Set a time (no more than 60 days after (Agency or Agency Director) has received petition) and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.~~

~~If such a hearing as provided in subsection (3) is conducted, the Agency Director shall, within 30 days:~~

1. ~~Issue a binding declaratory rule; or~~

2. ~~Issue a non-binding declaratory ruling including reasons for such ruling.~~

III. FORMS

~~At the top of the page shall appear the wording, "Department of Transportation". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition".~~

~~The body of the petition shall be set out in numbered sections. The first section shall state the name and address of the petitioning party. The second section shall state all rules and statutes that may be brought into issue by the petition. Succeeding sections shall set out the state of facts relied upon. The concluding sections shall contain the requests for assistance of the petitioner.~~

Signed _____
~~William D. Ankner, Ph.D. DIRECTOR~~

Date: _____