

290-RICR-30-00-07

TITLE 290 – DEPARTMENT OF TRANSPORTATION

CHAPTER 30 – BUSINESS, PROPERTY OWNERS, AND THE PUBLIC

SUBCHAPTER 00 - N/A

PART 7 - PETITION FOR PROMULGATION OF RULES AND DECLARATORY ORDERS

7.1 Authority

The following rules are promulgated to administer R.I. Gen. Laws. §§ 42-35-6 and 42-35-8.

7.2 Purpose

The purpose of these Rules are to prescribe conditions under which the Rhode Island Department of Transportation will consider the promulgation, amendment, repeal or declaration of any rule.

7.3 Petitions for Promulgation (Rule Making), Amendment or Repeal

- A. Any interested person may petition the Agency Director requesting the promulgation, amendment or repeal of any rule.
- B. All petitions shall be considered by the Director, and the Director may order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal or modification of any rule.
- C. The Director shall notify the petitioning party, within 30 days of the disposition of the petition.
- D. Petition Disposition
 - 1. Denial of petition with specific reasons for denial or
 - 2. Rulemaking process begins

7.3.1 Petition Form

- A. 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."

- B. The body of the petition shall be set out in numbered sections.
 - 1. 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.
 - 2. 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.
 - 3. The third section must include all the reasons for the proposal of the petitioner together with briefs of any applicable law.
- C. Petitions shall be dated and signed by the person or entity named in the first section or by his attorney.

7.4 Petitions for Declaratory Order

- A. As prescribed by R.I. Gen. Laws § 42-35-8, any interested person may petition the Agency Director for a declaratory order.
- B. The Director shall consider the petition and within sixty (60) days the Director shall:
 - 1. Issue a declaratory order; or
 - 2. Promptly decline to issue the order, informing the interested person the reasons for such; or
 - 3. Schedule the matter for further consideration and give reasonable notice to the petitioner.
- C. If such a hearing as provided in § 7.4(A)(3) in this Part, is conducted, the Agency Director shall, within sixty (60) days:
 - 1. Issue a declaratory order; or
 - 2. Decline to issue a declaratory order including reasons for such order.

7.4.1 Forms

- A. At the top of the page shall appear the wording, "Department of Transportation".
- B. 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".

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

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ORDERS (290-RICR-30-00-7)**

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