

**19A NCAC 01B .0203    CONSIDERATION AND DISPOSITION OF PETITION**

(a) The Secretary of Transportation may designate a member of the Department of Transportation to determine whether to grant or deny the request for a rulemaking petition. The Secretary or his designee will determine, based on a study of the facts submitted in the petition, whether the public interest will be served by granting the petition. Prior to making this determination, the Secretary or his designee may request additional information from the petitioner; he may contact interested persons who will be affected by the proposed rule or rule change and request comments; he may use any other appropriate method for obtaining information on which to base his determination.

(b) Any designate of the Secretary shall make a recommendation to the Secretary for the institution of rulemaking proceedings or for the denial of the petition, as the case may be.

(c) If the decision is to deny the petition, the Secretary will notify the petitioner in writing, stating the reasons for the denial. If the decision is to grant the petition, the Secretary will initiate the rulemaking process and inform the petitioner in writing.

*History Note:    Authority G.S. 143B-350; 150B-20;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 24,  
2015.*