

**CODE OF MASSACHUSETTS REGULATIONS
TITLE 730: MASSACHUSETTS TURNPIKE AUTHORITY
CHAPTER 2.00: RULES FOR ADOPTING, AMENDING, OR REPEALING
ADMINISTRATIVE REGULATIONS, AND FOR ISSUING ADVISORY RULINGS**

2.02: Petition by an Interested Person or Entity

(1) Scope. In accordance with M.G.L. c. 30A, §§ 4, [730 CMR 2.02](#) governs the procedure by which an interested person or entity may submit a petition to the Authority requesting that it take administrative action under one of the categories specified in [730 CMR 2.01\(1\)](#).

(2) Who may petition. Any person or entity with an interest in the subject matter (a petitioner) may submit a petition to the Authority.

(3) Duty of the petitioner. In furtherance of the Authority's desire to obtain as accurate and balanced a view as practicable of the issues that petitions submitted under [730 CMR 2.02](#) present, a petitioner shall make all reasonable efforts to ensure that a petition:

(a) is complete and accurate in all material respects; and

(b) is not misleading because of an undue emphasis on information or views favorable to the petitioner or a de-emphasis of information or views unfavorable to the petitioner.

(4) Content of the petition. A petition under [730 CMR 2.02](#) need not be on or in a prescribed form, but must contain in clear and concise language all of the following information to the best of the petitioner's information and belief and in conformance with the obligation of candor set forth in [730 CMR 2.02\(3\)](#):

(a) the name, address, and telephone number of the petitioner and, if applicable, of the attorney representing the petitioner with respect to the petition;

(b) the nature of the petitioner's interest;

(c) if the petitioner is requesting that the Authority adopt or amend a regulation, the complete text of the proposed new regulation or amendment; if the petitioner is requesting that the Authority repeal a regulation or portion of a regulation, a precise description of the regulation affected; and, if the petitioner is requesting that the Authority issue an Advisory Ruling, a concrete statement of the facts and a specific legal question that may serve as the focus of the Authority's ruling;

(d) a statement of the need for the requested action;

(e) a statement of fact and argument in support of the requested action;

(f) a statement of legal authorities, if any, supporting the requested action;

(g) a statement disclosing the existence and general nature of any past, continuing, or anticipated litigation or collective bargaining related to the subject of the petition;

(h) a statement disclosing the identity and interests of any persons or entities, or

groups of people or entities, that the petitioner has reason to believe that the requested action might adversely affect or that otherwise might have a significant interest in the subject of the petition; and

(i) the signature of the petitioner or the petitioner's attorney.

(5) Continuing duty to inform. From the time that the petitioner files a petition under [730 CMR 2.02](#) until the time that the Authority acts upon the petition, the petitioner is under a continuing duty to amend the petition as soon as practicable after learning of any newly discovered information that [730 CMR 2.02](#) would have required the petitioner to include in the petition at the time of filing or that materially alters the information that the petitioner presents in the petition. An amendment need not be on or in a prescribed form, but must be in writing, signed by the petitioner or the petitioner's attorney, refer specifically to the petition, and contain a clear and concise description of the newly discovered information.

(6) Filing with the Authority. A petition or an amendment consists of one signed original and two complete and clear copies. The petitioner or the petitioner's designee may submit a petition or amendment in person at the main offices of the Authority during regular business hours or mail a petition or amendment to the chief legal advisor of the Authority or such other person as the Authority may designate (referred to simply as the "general counsel"), at the main offices of the Authority. In either case, a petition or amendment must be placed in an envelope clearly marked on the outside with the following words: "Attention General Counsel: Petition or Amendment Under [730 CMR 2.00](#)." A petition or amendment may not be submitted by telefacsimile. The Authority considers a petition or amendment filed on the date that the Authority receives it in conformance with the requirements of [730 CMR 2.02\(6\)](#). Upon receipt, the general counsel notes the date of filing on the original and both copies of a petition or amendment.

REGULATORY AUTHORITY [730 CMR 2.00](#): M.G.L. c. 81A; c. 30A, §§ 1, 2, 3, 4 and 8.