

**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**

2.03: Initial Determinations With Respect to a Petition

(1) Scope. [730 CMR 2.03](#) governs the procedures by which the Authority makes initial determinations regarding the nature of a petition and whether it conforms to the requirements of [730 CMR 2.02](#).

(2) Who makes the initial determinations. As soon as practicable after filing, the general counsel provides a copy of the petition and any amendment to the chairman of the Authority. Subject to [730 CMR 2.03\(6\)](#), the general counsel makes the initial determinations under [730 CMR. 2.03](#).

(3) Nature of the petition. The general counsel determines the nature of the petition by:

(a) classifying it as one of the types of administrative action noted in [730 CMR 2.01\(1\)](#);

(b) classifying it as more than one type of administrative action noted in [730 CMR 2.01\(1\)](#) and recommending that the petitioner amend the petition so that the Authority can appropriately consider it under each of such categories; or

(c) concluding that the Authority should not consider the petition. One basis upon which the general counsel may conclude that the Authority should not consider the petition under [730 CMR 2.00](#) is that the petition seeks adjudicatory rather than rulemaking action.

(4) Conformance with [730 CMR 2.02](#). The general counsel determines whether the petition conforms with the requirements of [730 CMR 2.02](#).

(5) Referral to the Authority for consideration. Upon completion of the initial determinations specified in [730 CMR 2.03](#), the general counsel refers the petition and determinations to the Authority for its consideration at a meeting of the Authority in accordance with [730 CMR 2.04](#).

(6) No requirement to make an initial determination. Notwithstanding the provisions or requirements of any other subsection of [730 CMR 2.03](#), the Authority may decide as a matter of policy or in any instance to dispense with the process of initial determination and to proceed directly to a decision under [730 CMR 2.04](#).

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