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**IDAPA 39
TITLE 01
Chapter 02**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION
39.01.02 - RULES GOVERNING PETITION FOR
ADOPTION, AMENDMENT OR REPEAL OF ADMINISTRATIVE RULES**

000. LEGAL AUTHORITY.

The Idaho Transportation Board adopts this rule under the authority of Section 40-312, Idaho Code. (11-28-90)

001. TITLE AND SCOPE.

This rule outlines the procedures to be followed when a person or persons petition the Board or Department to promulgate, amend or repeal an administrative rule under Sections 67-5206 and 67-5208, Idaho Code. (11-28-90)

002.-- 099. (RESERVED)

100. GENERAL.

01. Petitioner. An interested person or persons filing a petition under Sections 67-5206 and 67-5208, Idaho Code, will be denominated the Petitioner. (11-28-90)

02. Format of Petition. The Petition will be substantially as follows: (11-28-90)

BEFORE THE IDAHO TRANSPORTATION BOARD, STATE OF IDAHO

Petition of Petition for

(Name of Petitioner) (Promulgation, Amendment or
Repeal or Declaratory Ruling,
whichever is appropriate)

(11-28-90)

03. Petition First Paragraph. Will outline the interest of the Petitioner in the matter. (11-28-90)

04. Petition Second Paragraph. Paragraph shall: (11-28-90)

a. Describe the nature of the rule urged to be promulgated and the Petitioner's suggested rule; or in the case of amendment the citation of the rule desired to be amended and Petitioner's suggested amendment; or in the case of repeal the citation of the rule; or (11-28-90)

b. In proceedings under Section 67-5208, Idaho Code indicate the rule, statute or order which Petitioner feels is applicable to his situation. (11-28-90)

05. Petition Third Paragraph. Will commence the factual allegations asserted by Petitioner in support of his position to promulgate, amend or repeal or his claim for declaratory ruling. (11-28-90)

06. Legal Assertion. The Legal Assertion in respect to his position for promulgation, amendment or repeal or his claim for declaratory ruling. (11-28-90)

07. Petitioner's Legal Contentions. All legal assertions must be accompanied by citations of cases and/ or statutory provision supporting Petitioner's legal contentions. (11-28-90)

08. Information Submitted. Briefs may be submitted in support of any contentions made by the Petitioner and, in any circumstance, documents, data and exhibits filed after the petition will not be considered. All documents, data and exhibits will be numbered consecutively beginning with the number one (1). (11-28-90)

09. Date and Signature. Petition will be dated and signed by the Petitioner and his signature will be acknowledged. (11-28-90)

10. Original and Copies. There shall be filed with the agency the original and five (5) copies of the petition and related documents, one of which copies will be certified and returned to the Petitioner. (11-28-90)

11. Affidavit. All factual matters set out in the petition should be detailed and affidavits accompany the petition. (11-28-90)

12. Board Discretion. In the discretion of the Board Section 67-5208, Idaho Code, matters may be set for rule making or proceedings under Section 67-5206, Idaho Code. (11-28-90)

101.-- 999. (RESERVED)