**Section 1225.110 General**

a) Applicability.

1) Except where rulemaking procedures not inconsistent with the Illinois Administrative Procedure Act are prescribed for specific cases by law or by other rules of the Department, this Subpart prescribes general rulemaking procedures that apply to the issuance, amendment, and repeal of all rules of the Department.

2) For the purpose of this Subpart, "Secretary" means the Secretary of Transportation, or any representative to whom the Secretary has delegated authority to conduct rulemaking proceedings, and "Department" means the Illinois Department of Transportation. Any of the persons to whom the Secretary has delegated such authority may redelegate that authority to any person who reports to him.

3) "Person" as used in this Subpart shall mean a "person" as defined by Section 1-60 of the Illinois Administrative Procedure Act and an "agency" as defined by Section 1-20 of the Illinois Administrative Procedure Act, as those Sections are in effect as of the date paragraph (3) of this Section becomes effective.

b) Information and data.

1) Information, data and records relating to rulemaking actions, including notices of proposed rulemaking, comments received in response to notices, petitions for rulemaking, denials of petitions for rulemaking, and final rules are maintained by the Department.

2) Any person may examine and copy any of the material described in paragraph (b)(1) of this Section at the Department's Office of Public Affairs (Illinois Department of Transportation Administration Building, Room 302, 2300 South Dirksen Parkway, Springfield, Illinois 62764, (217)782-6953) during the regular business hours, except material which the Secretary determines should be withheld from public disclosure under applicable provisions of state or federal statutes, or material which the Secretary determines to be a trade secret or information the disclosure of which would give competitors an unfair business advantage.

3)

A) Any person desiring a copy of any material described in paragraph (b)(1) shall be provided a copy upon payment by that person of a reasonable fee, as determined by the Department, not to exceed the cost to the Department of copying or printing the material and the cost of mailing or shipping the material where such mailing or shipping is requested.

B) Where it appears to the Department that the fee to be charged will exceed $25, and the person requesting the copy has not indicated in advance a willingness to pay fees as high as are anticipated, the Department will notify the person of the amount of the anticipated fee or such portion thereof as can readily be estimated and no copy will be provided until the requestor agrees in writing to bear the actual cost. Where it appears to the Department that the fee to be charged will not exceed $25, the Department will provide the copied material together with a statement of the fee to be paid.

C) No fee shall be charged when the person requesting a copy makes the copy with that person's own equipment and at that person's own expense.

D) No fee shall be charged for copies furnished in response to a request from another agency or office of Illinois State government, from an Illinois court, or from a member of the Illinois General Assembly or a committee thereof for their official use.

E) The fee provided for in this paragraph (b)(3) may be waived by the Department in whole or in part where the Department determines that such waiver or reduction is in the public interest or where the person requesting the copy clearly demonstrates an inability to pay the fee.

F) The fee provided for in this paragraph (b)(3) shall be paid by check made payable to "Treasurer, State of Illinois."

G) Where a person requesting a copy has previously failed to pay the fee provided for in this paragraph (b)(3), the Department shall require that any check tendered by that person in payment of a fee hereunder clear the State Treasury before that person is provided the copies requested.

c) Initiation of rulemaking.

1) The Secretary may initiate rulemaking on his own motion. However, in doing so, he may, in his discretion, consider the recommendations of other State agencies and of other interested persons.

2) Rulemaking initiated by the Secretary shall be in accordance with Section 1225.130.

d) Participation by interested persons.

1) Any person may participate in rulemaking proceedings by submitting within 14 days of the publication of the notice in the Illinois Register either a request to participate or written information or views. The Secretary may extend this time period in which interested persons may participate in rulemaking proceedings.

2) Participation will be in the manner specified in the notice of proposed rulemaking.

3) The Secretary may, in his discretion, invite any person who the Secretary believes to be an interested person to participate in the rulemaking proceedings.

4) The Secretary may also allow any person to participate in additional rulemaking procedures, such as informal appearances or hearings, held with respect to any rule.