

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT (DOL&WD)
&
THE DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES (DOT&PF)**


- Subject:** Listing or labeling of Traffic Signal and Roadway Illumination Systems within public right-of-ways.
- Purpose:** To specify the responsibilities of DOL&WD and DOT&PF as applied to Traffic Signal Systems (TSS) and Roadway Illumination Systems (RIS) in the Public Right-of Ways.
- Solution:** DOL&WD will not require listing or labeling for a TSS or RIS item if the item is not available as a listed or labeled item. DOT&PF shall exercise due diligence in determining the existence of listing or labeling for a particular TSS or RIS item. If the item subsequently becomes available as a listed or labeled item, utilization of the item shall be mandatory on subsequent installations unless use of the non-listed or non-labeled item is approved by DOL&WD in writing on a case-by-case basis. All other electrical related items shall comply with listing or labeling requirements. On hand inventory of non-listed or non-labeled items shall not be a valid reason for non-compliance with listing or labeling requirements.

DOT&PF shall provide to the Director of Labor Standards and Safety at the beginning of each calendar quarter, a specific list of all electrical items intended for use on DOT&PF projects that are not available as listed or labeled items. This list shall be provided to the DOL&WD Electrical Inspectors to expedite the inspection process.

For the purposes of this memorandum the parties agree that the terms "listed" and "labeled" are used as they are defined in 29 CFR 1910.399 Definitions (copy attached). The term "item" as used in this memorandum is a general term including material, fittings, devices, appliances, luminaires (fixtures), apparatus, and the like used as a part of, or in connection with, an electrical installation for TSS or RIS.

This Memorandum of Understanding applies to TSS and RIS only. It will remain in effect until either Department requests its discontinuance in writing to the other. This Memorandum supercedes any previous correspondence regarding the above issues.


Richard Mastriano, Director
Labor Standards & Safety
Department of Labor &
Workforce Development
3/12/02
Date


Michael L. Downing, P.E., Chief Engineer
Department of Transportation
& Public Facilities
3/8/02
Date

29 CFR 1910.399 Definitions

Labeled. Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (a) makes periodic inspections of the production of such equipment, and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

Listed. Equipment is listed if it is of a kind mentioned in a list which, (a) is published by a nationally recognized laboratory which makes periodic inspection of such equipment, and (b) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.