Title:	**DRAFT - Municipal Road Construction Standards Exemption Policy**
Division:	Transportation Infrastructure Management Division
Branch:	Standards and Contracts Branch (SCB)
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Implementation

This memorandum is effective January 1, 2027, and establishes the ministry's policy for the administration, evaluation and decision-making process for exemption requests under O. Reg. 283/26, *Standards for Road Design and Construction*. Beginning January 1, 2027, Ontario municipalities may submit exemption requests for standards identified in the Schedule to the Regulation.

No previous policy memorandum governing exemption requests is superseded by this memorandum.

Background

In November 2025, amendments to the *Public Transportation and Highway Improvement Act* established authorities to support the harmonization of municipal road construction standards across Ontario. The subsequent Regulation requires municipalities to apply specified OPSS.MUNI standards when undertaking the design, evaluation, or construction of roads under their jurisdiction.

The harmonization initiative is intended to support greater consistency in municipal road construction standards across Ontario and improve the efficiency of road design, procurement and construction activities, while supporting quality and safety across Ontario.

While harmonized standards are expected to be the default requirement and municipalities should first assess whether use of the applicable OPSS.MUNI standard is achievable, the ministry recognizes that there may be circumstances where the unadjusted use of a mandatory OPSS.MUNI road construction standard may not be appropriate due to project-specific factors, including but not limited to cost, durability

and performance, safety, local site conditions, infrastructure considerations, material availability constraints, and innovation opportunities. The Regulation therefore establishes a process through which municipalities may request an exemption from all or part of a mandatory OPSS.MUNI road construction standard identified in the Schedule to the Regulation.

This policy does not apply to OPSS.MUNI 100, General Conditions of Contract. OPSS.MUNI 100 is not eligible for an exemption under the Regulation.

Policy

The policy establishes the ministry's framework for the administration, evaluation and decision-making of exemption requests under O. Reg. 283/26 *Standards for Road Design and Construction* while supporting harmonization as the primary objective.

For the purpose of this policy, an exemption request is a request to deviate from a mandatory OPSS.MUNI road construction standard for a project in the planning, design, or pre-tender stage where circumstances do not involve immediate public safety concerns, infrastructure failure, continuity of essential services, urgent market or supply chain constraints, or other situations requiring expedited review. Exemption requests are subject to the ministry’s standard exemption review process, including intake, governance review, and decision-making requirements established under this policy and associated guidance materials.

Effective January 1, 2027, municipalities may submit requests for exemptions from mandatory OPSS.MUNI road construction standards in accordance with the *Standards for Road Design and Construction* Regulation and associated ministry guidance documents.

Exemptions are intended to address exceptional circumstances and are not intended to replace adoption of OPSS.MUNI road construction standards. Municipalities are expected to use applicable OPSS.MUNI road construction standards wherever feasible.

The Municipal Standards Harmonization Office shall administer and coordinate the municipal standards harmonization exemption process on behalf of the ministry, including intake, completeness review, process administration, records management, and coordination of technical and governance reviews.

Exemption requests shall be evaluated using a standardized and documented framework consisting of:

- Established evaluation criteria;
- A published scoring methodology and rubric;
- Technical review, where required;
- Governance oversight through the Compliance and Reporting Committee, and
- Written recommendation and decision documentation.

The ministry shall assess exemption requests in a manner that supports:

- Harmonization as the primary objective;
- Transparent, consistent and evidence-based decision-making; and
- Appropriate consideration of municipal circumstances.

The Minister's authority to approve, approve with conditions, or deny exemption requests under the Regulation shall be exercised through delegated authority assigned to the ministry's Chief Engineer.

The ministry shall establish and publish service standards for the administration of exemption requests. Applicable service standards shall be set out in associated guidance materials and may be updated from time to time.

Decisions shall be communicated to municipalities in writing within the timeframe prescribed by the Regulation and include reasons or rationale for the decision.

Municipalities may request reconsideration of a decision in accordance with the Regulation and as outlined in exemption guidance materials.

The ministry will maintain supporting guidance, forms, evaluation tools, templates and operational procedures necessary to administer exemptions and support municipal training and uptake. These documents may be updated from time to time provided they remain consistent with this policy and applicable legislative and regulatory requirements.

Approved By

Signature

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List of Appendices

Municipal Road Construction Standards Exemption Guide