



Project Acronym: LiMIT4WeDA

Project Title: Light Mobility and Information Technologies for Weak Demand Areas

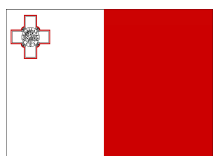
Lead Partner: Lazio Region - Regional Department for Transports

Component: 3 Benchmark of best practices on innovative transport systems in weak demand areas

Phase: 3.3 Analysis of the legal framework and business models

Responsible Partner: EC. Business Innovation Center of Epirus (E.C BIC of Epirus)

Partner: Malta Intelligent Energy Management Agency



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Executive Summary

LIMIT4WeDA aims to improve the availability of transport by using cutting edge technologies together with social aspects in the aim of reducing the use of private cars amongst the general public. Each of the eight partners taking part in this project has selected two application technologies from the pool of technologies which were deemed as the best solutions for the weak demand areas of transport.

There are various horizontal activities within LIMIT4WEDA which are aimed at disseminating and applying the results with the aim of providing an opportunity for the general public and the key stakeholders for their involvement in the future development of the pilot projects and to discuss their plans and concerns. Topics under discussion will include the feasibility of applying a virtual social network to the car sharing culture.

This report will have a look at any possible legal and financial barriers which can obstruct the technology's implementation. Any economic returns for each of the innovative solutions will be assessed within this task. Furthermore, any impacts related to environment and safety, have been compiled into this task.

1 Introduction

In spite of the fact that Malta covers only 316 squared kilometres, it hosts a substantial amount of modes of transport. The public transport system depends extensively on buses and taxis, even though in the past there was a tramway which was extensively damaged during the Second World War.

Malta's principal international links are located at the airport at Luqa and by sea principally the Malta Freeport (third largest cargo port in the Mediterranean).

Private car possession in Malta is exorbitant when compared to the relatively small size of the islands with 227,264 in the fourth quarter of 2009.¹ 550 licensed motor vehicles per 1,000 people.² This figure places the country as the 5th highest number of vehicles per capita in the world as of 2009.

The third task within the third phase is aimed at collecting and examining information about the legislation and the business models behind progressive transport solutions. These were discussed and analysed within the first two tasks of this phase. The aim of this task is to identify the legal and financial conditions for implementing solutions related to info-mobility and private business initiatives in the weak transport demand areas.

1.1 Aim of the Report

This task will take stock of the legislative frameworks to which innovative transport solutions must abide in order to conform to Maltese law. The viability of modern transport solutions have been identified in order to select and promote appropriate role model and success factors amongst the transport application.

This phase within the third component is of vital importance to the successful development and implementation of effective innovative transport solutions will be studied according to their success factors. This involves cluster analysis for each transport application and the corresponding success factors amongst different target groups. In accordance to this, the implementation stages and the policies within these interventions will be postulated for different lengths of time.

¹ ["Transport Statistics 2010"](#). National Statistics Office (Malta).

² ["Malta in Figures 2010"](#). National Statistics Office (Malta).

2 Modern Transport

Hoogma et al. (2002) recognise how transport is a rapidly growing sector of energy consumption, and the extent to which it is responsible for a variety of major environmental problems on a worldwide scale. Industry is eager to mitigate these problems by developing more efficient designs of their existing products.

Recently, the notion of a ‘technological regime’ has been proposed in order to analyse the interdependencies which stabilize the current mobility system, and which often act as barriers against more radical change”.³

The Eurostat energy, transport and environment indicators have calculated how the energy intensity in the twenty-seven countries of the European Union decreased by 17 % over the last decade and reached 167 kgoe/1 000 EUR’00 in 2008. The energy intensity for the year 2008 can be viewed in figure 2.

Energy intensity is defined as the ratio of the gross inland consumption and the gross domestic product. The unit used is kilograms of oil equivalent per EUR 1,000 – “kgoe/1 000 EUR’00”.⁴

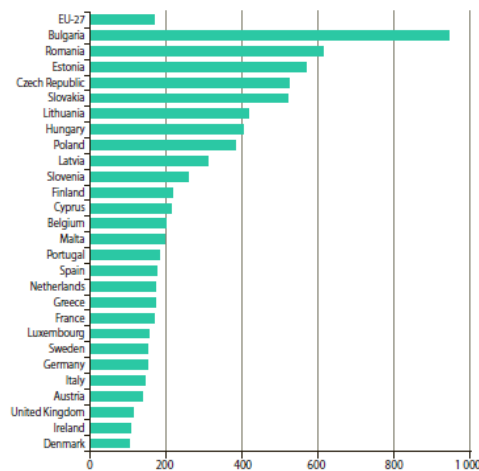


Figure 1: Energy intensity, 2008 (kgoe/1 000 EUR '00)⁵

Source: Eurostat (2009)

³ (Rip and Kemp, 1998; Hoogma et al. 2002)

⁴ EuroStat – Available on <http://epp.eurostat.ec.europa.eu/>

⁵ Eurostat Pocketbooks Energy, transport and environment indicators ISSN 1725-4566

3 Regulatory Frameworks for Transport in Malta

At this point it should be immediately evident how the administration and management of traffic needs more than a few short chapters in the Maltese legislative framework. The various modes of transport which afflict the Maltese roads and harbours have made it necessary to weave the Maltese Transport Act. The latest update in the act was the Subsidiary Legislation 499.01-499.58. The Subsidiary Legislation 499 covers all topics related with the transportation of people and goods.

Chapter 499 of the Maltese Law (Act XV of 2009) defines the 'AUTHORITY FOR TRANSPORT IN MALTA ACT' as

"To provide for the establishment of a body corporate to be known as the Authority for Transport in Malta which will assume the functions previously exercised by the Malta Maritime Authority, the Malta Transport Authority and the Director and Directorate of Civil Aviation and for the exercise by or on behalf of that Authority of functions relating to roads, to transport by air, rail, road, or sea, within ports and inland waters, and relating to merchant shipping; to provide for the transfer of certain assets to the Authority established by this Act; and to make provision with respect to matters ancillary thereto or connected therewith."⁶

The objectives and policies of Transport Malta, as directed by Government, were devised to:

- develop integrated transport policies aimed at achieving modal shifts that favour the use of public transport and safe, non-polluting strategies
- ensure the development of an efficient, integrated and socially sustainable public transport system for the Maltese Islands, that meets the traveller's needs and expectations
- provide an effective regulatory framework for land transport with road safety as a top priority, whilst at the same time promoting socio-economic development and protection of the environment.
- promote the maritime and civil aviation facilities of Malta and the registration of ships and aircraft under the Maltese flag

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- encourage Malta to become a maritime hub in the Mediterranean and an entry-port to the EU
- encourage measures for the development of civil aviation and ancillary services, and in particular, of air transport services of both passengers and cargo
- promote the efficient and cost-effective running of the administration, services and operations of ports and yachting centres locally
- provide a solid financial base from where the Authority can achieve target returns and investments
- standardise practices in the transport sector in Malta, in line with international norms and with those of the EU in particular⁷

Further to the above description, any action with respect to matters relating to transport, including land transport in Malta falls under the remit of Transport Malta. Anyone who would like to take any kind of initiative related with transport must be informed that Transport Malta has its own policies, projects and pipeline projects to address such issues. Therefore, such initiatives need to be discussed with the transport authorities before proceeding with such initiatives.

3.1 Passenger Transport Services

Services related with the transportation of persons is accurately defined in article 56 of Chapter 499 of the Maltese Law describes the provision of passenger transport services (S.L.499.56 1). Article 56 describes the entire picture of setting a transport service as required by law.

As per legal notice 149 of 2009, as amended by Legal Notice 319 of 2009, (Act XV of 2009); and Legal Notices 75 and 272 of 2010, and 194, 251 and 396 of 2011 the provision of a passenger service is described by the following terms:

"*self-drive vehicle*" means a passenger transport vehicle which is licensed and/or registered to be hired for the purpose of being driven by the hirer

"*special regular services*" means regular services which provide for the carriage of specified categories of passengers, to the exclusion of other passengers, at specified intervals along specified routes, passengers boarding and disembarking at predetermined stopping points. They shall include:

- (a) the carriage of workers between home and work;
- (b) carriage to and from an educational institution for school pupils and students;
- (c) the carriage of soldiers and their families between their homes and the area of their barracks;

"undertaking" means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality.⁸

3.1.1 Boarding and alighting.

Article 65 of Chapter 499 of the Maltese law describe the states of boarding and alighting as that "a driver shall not allow passengers to board or alight from the passenger transport vehicle unless that vehicle is at a complete standstill". Moreover the vehicle should not

⁸ Carriage of Passengers – Operator License Guidelines - http://www.transport.gov.mt/admin/mediacenter/PDFs/1_CPOL%20English%20Guidelinesindd.pdf

exceed the speed limit of 40 km per hour when driving in a town or village and 60 km per hour when driving outside a town or village:

- ⤴ Provided that trackless trains shall at no time exceed the speed limit of 25 km per hour. Closed doors whilst in motion.
- ⤴ Drivers shall ensure that all doors are securely closed whilst the passenger transport vehicle is in motion”⁹.

3.2 *Public Passenger Transport services*

For the enhancement of public passenger transport services, Transport Malta has been granted the power to make changes within the network infrastructure of public transport. This is described in the legal notice 251 of 2011, whereby Transport Malta can:

- (a) design public transport routes for the transport of passengers from one location to another;
- (b) unite a number of public transportation routes or or the entire network;
- (c) determine which type of motor route buses shall operate on any such public passenger transport routes;
- (d) vary, cancel or revoke any such public passenger transport routes or any grouping of public passenger transport routes or any allotment of service thereon, and may, when so doing, impose any conditions on the bus operator as it may direct¹⁰.

⁹ SUBSIDIARY LEGISLATION 499.56 PASSENGER TRANSPORT SERVICES REGULATIONS 19th May, 2009; 19th November, 2009

¹⁰ SUBSIDIARY LEGISLATION 499.65 TRAFFIC REGULATION ORDINANCE

3.3 Provision of public passenger transport services.

An operator who has been licensed for the operation of public passenger transport services by the Authority in terms of the Act and in terms of Regulation (EC) 1370/2007 of the European Parliament and of the Council of 23 October 2007 on Public Passenger Transport Services by Rail and by Road may, during the period in which such contract is in force, provide public passenger transport services. In this light, legal notice 251 of 2011 clearly states that:

- ⤴ Provided further that the provision of regular passenger services on sightseeing passenger transport routes shall not be considered as public passenger transport services for the purpose of these regulations.
- ⤴ Any person who shall obstruct or hinder any Police officer from taking possession of any vehicle, or shall in any way interfere with or incite others to interfere with the use of any vehicle requisitioned under the provisions of this regulation, shall be guilty of an offence¹¹.

4 Conclusions

This report evidently shows the lack of legislative frameworks in the Maltese law which can foster and regulate innovative transport solutions. Malta's strategy under Cohesion Policy 2004-2006 stresses the same fact as it highlights the urgent need to address the socio-economic infrastructure, in particular the transport sector.¹²

These hurdles can only be overcome if Maltese legislation promotes efficient modes of transport. This can only be achieved if the corresponding authorities promote the use of innovative modes of transport such that accessibility across the country can be improved.

Better legislative frameworks in this sector can ensure the promotion of cleaner modes of transport amongst private businesses. In other European countries, cleaner urban transport has been encouraged in the form of corporate social responsibility to private companies.

This vision can only be materialised if the transport facilities are frequently reconciled in the light of the island's economic dependence on passenger transport.

¹² 2003 Report on Phare and the pre-accession instruments for Cyprus, Malta and Turkey

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