

Report on Case No OMB-25-6649

This Final Opinion is consequent to the complaint submitted to the Ombudsman by [Omissis] (complainant) against Mosta Local Council and the Ministry for Transport, Infrastructure and Public Works (MTIP).

The complaint

On 5 July 2025, traffic calming measures (speed bumps) were installed in two locations along Vjal il-Qalbiena Mostin, Mosta. One of these speed bumps is positioned a few meters from complainant's residence, with accompanying signage (indicating that the bump is within 25 metres) placed just outside the drive-in to his garage, restricting vehicle manoeuvrability. Moreover, the proximity of the speed bump has significantly impacted complainant's and his family's quality of life, with a substantial increase in noise levels caused by vehicles passing over the bump, especially heavy vehicles resulting in ongoing disturbance and mental stress¹. Additionally, the need for vehicles to accelerate after slowing down highly increases air pollution in front of his residence, particularly in the case of heavy-duty vehicles, emitting exhaust fumes.

Complainant maintains that reckless drivers continue speeding and argues that the measures have failed to achieve their intended purpose. This has resulted in

¹ In complainant's own words, "very few really slow down and even when they slow down they are still very noisy and create even more pollution", and, "On a daily basis we hear sounds like a 'Murtal' has exploded just outside our home".

additional concerns, including increased noise levels, debris from vehicles, unsafe overtaking, and increased risk of accidents. All of this is in addition to the significant noise and air pollution, with potential adverse health effects, as well as the inconveniences caused to complainant and his family (hereinafter referred to as ‘the household’), who are seeking to live in peace but are instead experiencing a significant and continuous disturbance due to the close proximity of the speed bump. He maintains that this situation is breaching the household’s human rights to live in peace and harmony. Complainant stated that the only solution would be the installation of a speed camera, and further suggested that, if the authorities are unwilling to install a speed camera, they should instead consider the use of speed guns or regular inspections by the police, wardens, or other enforcement officials, rather than installing speed bumps or speed humps.

Despite having communicated his complaint to both Mosta Local Council and the Ministry for Transport, Infrastructure and Public Works (MTIP), complainant received no updates on the matter, prompting the submission of his complaint to this Office.

Facts and findings

On 30 July 2025, complainant referred the issue to MTIP, requesting remedial action. On 4 August 2025, MTIP informed him that the matter has been referred to Transport Malta (TM) and the relevant stakeholders, that a site inspection would be scheduled to assess the situation, and that he would be kept updated. Complainant followed up on 18 August and 2 September 2025.

On 11 August 2025, complainant referred the matter to Mosta Local Council and promptly received an automated reply on that same day, informing him that the Council would be addressing his complaint as soon as possible.

Up to the date on which he lodged his complaint with this Office², complainant had received no updates on the matter from either MTIP or the Local Council.

This Office referred the complaint to Mosta Local Council, MTIP and Transport Malta for their comments.

Mosta Local Council maintained that the speed moderators referred to in this complaint had been installed on a recommendation by this Office to the Council to implement a Traffic Management Plan (TMP), which had been approved by Transport Malta in September 2022 with the aim to improve road safety in the area and in the interest of public safety. It stated that it acted in good faith and that this complaint is consequent to the Council's full compliance with this Office's recommendation in a previous case. Additionally, the Local Council argued that this complaint raises issues with measures that this Office itself had recommended on road safety grounds.

Transport Malta outlined the following observations in reply to this Office's request for comments:

² 19 September 2025.

- The location of the road humps was approved following on-site assessments. These measures were considered necessary to ensure that vehicle speeds are appropriate to the road conditions.
- The installation of road humps is intended to mitigate the risk of accidents by encouraging drivers to comply with speed limits and exercise greater caution while driving.
- In complainant's correspondence, reference was also made to the installation of a speed camera. The Integrated Transport Strategy Directorate (ITSD) had already examined this request, but the proposal was not approved.
- Concerns regarding excessive speeding on the road had originally been raised through an application submitted in 2022 by residents of the area to MTIP. The application requested both the installation of road humps and the introduction of a speed camera. The application was subsequently processed as follows:
 - A traffic management plan was prepared and approved, incorporating new signage together with the installation of road humps.
 - The possibility of introducing a speed camera was assessed; however, the request was ultimately rejected.

- Following complainant's referral to the Ombudsman, a site inspection was conducted. Although it was confirmed that the Traffic Management Plan had been implemented, it was also noted that speed bumps had been installed instead of the road humps originally approved – these two measures differ in their dimensions, with speed bumps designed to reduce vehicle speed to zero km/h, thereby generating higher levels of noise.

On 23 January 2026, this Office's assigned Investigating Officer (IO) met with complainant on site where the speed bump he is complaining about is installed. During this meeting, the IO has observed the situation in question as well as viewed video evidence produced by complainant.

Considerations

As regards Mosta Local Council's comments on the case to this Office, it is to be made clear at the outset that this Office sought the Council's feedback on the complaint with a view to be informed of the Council's position regarding the claims raised by the complainant. The previous case mentioned by the Local Council concerned the recommendation of the Commissioner for Planning. What was recommended in that case was the implementation of a Traffic Management Plan approved by Transport Malta in September 2022, not the installation of speed humps or bumps per se. Furthermore, the TMP refers specifically to the placing of road humps, as distinct from road bumps. As described in TM's *Permanent Traffic Management Policy & Guidelines*:

“A road hump ... is a raised section of roadway designed to reduce vehicle speeds. These features are typically 3 to 4 metres in length and are lower in height than speed bumps, allowing vehicles to pass over them at slower speeds without causing significant discomfort. Road humps are effective for reducing traffic speeds in residential areas, near schools, and on local roads with lower speed limits.

Standard raised humps designed to slow traffic to speeds of circa 15-30 km/h.”

The same document describes a speed bump as *“a traffic calming measure that is typically shorter and more abrupt than a speed hump ... It is usually less than 1 metre in length and higher in profile, which forces vehicles to slow down significantly, often to around 5-10 km/h, to pass over without discomfort. Speed bumps are primarily used in areas like parking lots where vehicle speed needs to be very low”*. It further states that *“speed bumps are not considered efficient where the speed is set to 50km/h or more”*.

For residential areas, humps are advisable in general. Nonetheless, we have to consider the circumstances of every area and the concerns of the public. Moreover, if the present complaint arose as a consequence of the implementation of the Traffic Management Plan as recommended by this Office itself in a previous case, this does not mean that this Office should not address the matter.

From the documents provided to this Office by Transport Malta in its feedback on the case, this Office notes that in TM’s approval to Mosta Local Council³ for

³ Transport Malta’s approval letter dated 29 September 2022 to Mosta Local Council.

the installation of two road humps⁴ in Vjal il-Qalbiena Mostin Mosta, it is stated that, “*The Local Council is to ensure that there is agreement with residents in road for these humps*”. However complainant maintains that the household was not consulted and never gave their consent for such installation.

From the IO’s observations while on site, as well as from the video evidence presented by complainant, several situations emerged indicating that, rather than serving as a road safety measure, the speed bump in question⁵ is causing inconvenience to the household and also creates conditions that may lead to accidents. Even when some drivers comply with the need to reduce their speed significantly, there are instances where vehicles⁶ behind them overtake at the same speed at which they were travelling, creating the risk of colliding with vehicles approaching from the opposite direction. Additionally there is also the risk that vehicles following behind may crash into the vehicle ahead if it suddenly slows down. Furthermore, it was observed that there are also instances where drivers pay no attention to the speed bump and continue driving over it without reducing their speed, as though it were not there. Moreover, the IO observed that the road in question is as busy as a main road. Complainant further explained that the inconveniences caused by the speed bump persist throughout the day, commencing in the early morning hours, including disturbance from motorists racing every Sunday morning. He also mentioned instances of excessive noise caused by the revving of engines even at night. In a nutshell, the household is

⁴ One between Triq tal-Wej and Triq I-1 ta’ Novembru 1950, the other one between Triq il-Ħaġar and Triq Mons. Mikiel Azzopardi.

⁵ The one installed between Triq tal-Wej and Triq I-1 ta’ Novembru 1950.

⁶ ‘Vehicles’ includes ‘motorcycles’.

experiencing inconveniences and disturbances day and night, which are becoming increasingly distressing and frustrating.

According to the speed management policy, physical traffic calming measures are applied to roads which have a speed limit of 50 km/h or less. The scope of these measures is to improve driver awareness of vehicle speed and thus inhibit speeding. However, in the present case, it appears that unsafe driving behaviour continues to occur and that the existing measure complained about is not adequately addressing the underlying road-safety concerns. The continued use of the speed bump appears to be giving rise to consequences which undermine both the residential amenity of the area and the intended traffic-calming objective of the measure itself. By its very nature, it generates repetitive impact noise and vibration as vehicles decelerate and traverse the raised surface, a situation which may be further aggravated where drivers approach it at inappropriate speeds, brake abruptly, or accelerate sharply immediately thereafter. Consequently, the installation itself became a persistent source of disturbance for the household, and most probably also for other residents living in immediate proximity thereto⁷. Moreover, the measure may inadvertently encourage erratic driving behaviour, including sudden braking before the bump and rapid acceleration after crossing it, thereby creating inconsistent driving patterns that may undermine road safety rather than effectively promote it.

As noted by Transport Malta, whilst the Authority's approval was for speed humps, speed bumps had been installed instead. Regarding this 'hump' versus

⁷ Complainant noted that there are other families living in the road in question who are complaining about the installation of the speed bumps.

‘bump’ issue, this Office is of the opinion that neither of the two alternatives will ever stop reckless drivers from ignoring these traffic calming measures, or stop overtaking, speeding and the risk of accidents. Nor will they ever cease the causing of noise. Although bumps seem to be noisier than humps, the latter may still generate noise which may be disturbing and inconvenient to residents. In this context, note should be taken of the following note, with regard to both bumps and humps, in TM’s *Permanent Traffic Management Policy & Guidelines*:

“Noise and vibration levels may be a nuisance at locations adjacent to road humps, where there is a significant flow of commercial vehicles in the traffic stream.”

As already mentioned in this Report, the road where complainant resides is comparable to a main road. Additionally, the household was not consulted and did not give their consent for the installation – be it a bump or a hump – and are being negatively affected as they live beside one of the speed bumps in question. In the circumstances, it is reasonable to consider whether an enforcement-based approach capable of deterring speeding behaviour more consistently may better achieve the intended objective.

Consideration may be given to the use of speed guns or periodic enforcement measures, such as speed checks carried out by enforcement officers, which may contribute to addressing instances of excessive speed within the road. However, such measures are, by their nature, intermittent and dependent on the availability and deployment of enforcement personnel, and therefore may not provide a consistent or sustained deterrent effect. By contrast, the installation of a fixed

speed enforcement camera would allow for continuous monitoring and enforcement on a 24-hour basis, thereby promoting a more uniform level of compliance with the applicable speed limit. In this sense, a speed camera may constitute a more effective and reliable mechanism for addressing traffic hazard, as it ensures ongoing oversight without the limitations inherent in periodic enforcement, while at the same time avoiding the physical disturbance associated with speed bumps or humps.

The speed camera request was not approved by Transport Malta (ITSD) because the road in question is a local road in a residential area⁸. However, this Office is of the opinion that the installation of a speed enforcement camera constitutes a more proportionate solution, as it strengthens compliance with the established speed limit of 50 km/h through enforcement rather than physical obstruction, whilst avoiding the negative effects brought about by speed bumps or humps. Such a measure may therefore better reconcile the legitimate objective of road safety with the need to preserve the peaceful enjoyment and residential amenity of neighbouring properties.

Regard may also be had to the provisions and objectives underlying the Authority for Transport in Malta Act (Chapter 499 of the Laws of Malta), which entrusts Transport Malta with responsibilities relating to the regulation, management, and promotion of safe and efficient transport systems. In light of the functions entrusted to TM under the Act, traffic-management interventions should not only pursue the legitimate objective of road safety, but should also be implemented in a manner that is proportionate and compatible with the orderly and reasonable

⁸ The road is a 50 km/h zone.

use of the surrounding environment. Where a measure gives rise to substantial and recurring disturbance to nearby residents, while not adequately addressing the underlying road-safety concerns, it becomes necessary to reassess whether the measure remains appropriate in the particular circumstances.

Conclusion and recommendations

It is widely recognized that many drivers routinely drive above the established speed limits. Effective enforcement plays a crucial role in reducing speeding and the serious consequences that often follow, including road accidents, injuries, and fatalities. Drivers are more likely to obey speed regulations when they believe there is a strong chance of being detected, apprehended, and penalized for violations. Penalties discourage abuse. This perceived risk of enforcement acts as a powerful deterrent, encouraging compliance with traffic laws and promoting safer roads for all users.

The position adopted by this Office in relation to the outcome of this case is guided by considerations of fairness and justice. Accordingly, although the Traffic Management Plan referred to earlier in this Report was implemented following a recommendation by this Office, and notwithstanding that the present complaint arose as a consequence of that implementation, the complaint cannot simply be disregarded. Even if, for the sake of argument, the complainant himself requested and consented to the installation of road humps/bumps on his street, his grievance cannot be dismissed merely because the outcome giving rise to his complaint resulted from his own actions. While this Office acknowledges that

the TMP was intended to enhance road safety and serve the public interest, there appears to be no conclusive and clear evidence that the speed moderator which gave rise to the present complaint has achieved its intended purpose. Conversely, it is evident that the measure has caused the household significant daily inconvenience and disturbance, creating an unbearable situation.

The replacement of the existing speed bump with a speed enforcement camera constitutes a more proportionate, less intrusive, and more effective method for addressing speeding concerns within the area, while at the same time reducing the ongoing disturbance presently experienced by the complainant and his family. In the opinion of this Office, the safest and best alternative would be the installation of a speed camera. More so in the road in question, which has a speed limit of 50 km/h and which at present is being flagrantly ignored by road users despite the road bump in place, which certainly is not adequate in the circumstances.

In view of the foregoing, I find the complaint is justified and recommend the immediate removal of the speed bump in question and the concurrent installation of a speed camera in the vicinity by Transport Malta.

Judge Joseph Zammit McKeon
Ombudsman

22 May 2026