

SPICe Briefing Cycling

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The Scottish Government published the Cycling Action Plan for Scotland (CAPS) on 25 June 2010, which established a vision that by 2020, 10% of all journeys taken in Scotland will be by bike.

This short briefing provides background information on cycling as a form of transport in Scotland. It provides a brief summary of cycling statistics, cycling policy and funding plus other topical cycle related issues.



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INTRODUCTION

Cycling takes three main forms:

- a form of transport
- a type of recreation
- a sport, including track and road cycling, mountain biking, BMX, cycle speedway and cyclo-cross

This briefing focuses on cycling as a form of transport. Cycling can be a low cost, healthy and enjoyable way of undertaking short and medium distance journeys. There is no formal test or age limit restricting who can cycle, with training available for both children and adults. Reliable bikes can be purchased for as little as £45/50 for an adult bike and from £20 upwards for a child's bike, dependent on its size (The Bike Station 2011). Handcycles, tricycles and tandems mean that people with some types of physical disability, who are unable to use traditional bicycles, are also able to cycle.

CYCLING STATISTICS

BIKE USAGE

In 2010 Scottish cyclists travelled a total of 298 million kilometres (Transport Scotland 2011a), which represents just 0.69% of total miles travelled in Scotland that year. As can be seen from Table 1 below, the percentage figure for 2010 is the highest in the last 10 years and is the third consecutive annual increase in the total distance cycled.

Table 1: Annual Distance (Millions of Kilometres) Travelled in Scotland by Bike, Distance
Travelled by All Traffic and Distance Travelled by Bike as a Percentage of All Traffic

	Year										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Bike	242	236	250	249	232	243	260	240	273	287	298
All	39,561	40,065	41,535	42,038	42,705	42,718	44,119	44,666	44,470	44,219	43,488
%	0.61	0.59	0.60	0.59	0.54	0.57	0.59	0.54	0.61	0.65	0.69

The Scottish Household Survey (Transport Scotland 2011b) collects information on how people travel to work and school. The annual percentage of trips made by bike to people's place of work or school are set out in Table 2 below. It is important to note that, due to the small number of people cycling in the sample, apparent year-to-year fluctuation in figures may be due to sampling variability and the figures should be used as broad indicators rather than precise measures.

Table 2: Annual Percentage of Trips to Work and School made by Bike	Table 2: Annual Percentage of Trips to Work and	School made by Bike
---------------------------------------------------------------------	-------------------------------------------------	---------------------

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Work	1.7	1.7	1.6	1.8	1.9	1.6	2.0	1.7	2.3	2.4	2.3
School	0.6	0.6	0.7	1.2	1.0	0.6	0.9	0.8	1.5	1.0	1.4

The UK-wide National Travel Survey (Department for Transport 2011) collects information on the number of trips made by people in Scotland each year, broken down by the main mode of travel for each trip. The average annual number of trips made by bike by Scottish residents is set out in Table 3 below (figures from Scottish Transport Statistics, Transport Scotland 2011a) along with the average number of total trips made by all modes of transport and the proportion of this total made by bike.

Again it is important to remember that these figures are based on small number of trips in the sample and may be subject to large sampling errors which can result in apparently large annual differences in the number of cycle trips. These figures should be regarded as broad indicators rather than precise measures.

Table 3: Cycle Trips made Per Person Per Year, Total Trips Per Person Per Year and
Cycle Trips as a Percentage of Total Trips Made

	1998/ 1999	2000/ 2001	2002/ 2003	2004/ 2005	2006/ 2007	2008/ 2009	2009/ 2010
Bike	15	11	9	10	7	10	9
Total	1133	1106	1035	1014	969	978	957
%	1.3	1.0	0.9	1.0	0.7	1.0	0.9

The figures in the three tables above indicate that, from a very low base, since 2008 there have been small annual increases in the total distance cycled and the number of people cycling to work and school. However, given previous annual variations in the distance cycled, a low point in cycling experienced in 2007, the relatively small annual increases in cycling, and no clear increase in the average number of cycle trips made per person per year, it is possibly too early to state that cycling in Scotland is on a firm upward trend.

BIKE OWNERSHIP

The Scottish Household Survey Travel Diary 2009/10 reports that 34.9% of Scottish households had access to at least one bike. The local authority with the lowest bike ownership was Glasgow, with 23.2% of households having access to a bike, while the highest was Moray with 49.6% of households having access to a bike.

CYCLE SAFETY

Seven cyclists died in traffic incidents in Scotland during 2010, while 138 were seriously injured (Transport Scotland 2011c). These statistics are drawn from information collected by police forces and cover all incidents involving a vehicle which result in injury. The figures are recognised as being incomplete, particularly for minor injuries which are often not recorded. The figures for fatalities are known to be accurate and while the figures for serious injuries may not include every serious injury, they do provide a good indicator of trends over time.

Figures for cyclist fatalities and injuries are subject to yearly fluctuation. Given this, Transport Scotland produces five year averages of such incidents to allow for longer term trends to be identified. The 2006-2010 average was 7 fatalities and 356 serious injuries, which represents a significant reduction in fatalities but an increase in serious injuries on the 1994-1998 average of 11 fatalities and 238 serious injuries.

It is important to get these figures in context. There was one cycling fatality in Scotland during 2010 for every 42.6 million kilometres cycled. Cyclists are less likely to be killed or seriously injured on UK roads for the distance travelled than both pedestrians and motorcyclists, but are considerably more likely to be killed or seriously injured than people travelling in cars and vans as set out in Table 4 below. It is worth remembering that on average each Scottish resident cycled 34 miles during 2009-10 but drove 3,484 and was a car/van passenger for 1822 miles.

Table 4: Passenger casualty rates (per billion passenger kilometres) by mode, Great Britain, 2010

Mode	Killed	Killed or seriously injured	All
Air (UK registered airline aircraft)	0	0	0
Rail	0	0	26.4
Water	0.8	39.7	
Bus and coach	0.2	8.2	139.3
Car (Driver and passenger)	1.3	15.1	205.7
Van (Driver and passenger)	0.4	4.0	50.2
Motorcycles	79.4	1021.0	3681.0
Pedal Cycles	22.1	552.7	3427.7
Pedestrian	23.3	322.3	1486.1

Statistics from <u>Road Cycling: Statistics</u> (House of Commons 2012)

SCOTTISH GOVERNMENT CYCLING POLICY

The Scottish Government sets out its policies on cycling in the <u>Cycling Action Plan for Scotland</u> (Scottish Government 2010), which was published in June 2010. The key vision in this document is that 10% of all journeys made in Scotland will be made by bike by 2020.

CAPS commits Transport Scotland, working with partner organisations as appropriate, to 17 actions. These actions are summarised below along with a brief note on implementation to date:

ACTION	Action to date
Establish a group to develop a new three tier Scotland-wide cycle training scheme	Cycle Training Action Plan published December 2010. £175,000 has been issued to 19 local authorities through the Bikeability Scotland Development Fund
	23 Cycle Training Assistant (CTA) orientations have taken place with 6 scheduled. 18 CTA courses have taken place with a further 45 scheduled. 18 Cycle Trainer courses have taken place with a further 12 scheduled.
	Data collected in 2011 using the new data collection tool showed that 95.2% of schools were offered Bikeability Resources, 69.5% of

schools delivered training, with 31.5% of training being delivered on road.
Cycling Scotland has delivered courses to 44 practitioners with further courses planned.
Two rounds of the Cycle Friendly and Sustainable Communities Fund have run, awarding a total of £401,093 to 39 projects.
The Cycling Scotland Give Me Cycle Space Campaign has been extended to work in partnership with clusters in 13 Local Authorities. The campaign will be launched on the 7th May 2012.
All 32 LAs took part in 2011. With results due to be published around June 2012. This year's survey scheduled for September 2012.
The Cycle Friendly Employer Scheme covers 111 workplaces and over 53,000 employees.
Funding secured for the next 3 financial years - £7.16m, £8.16m and £9.16m to focus on Community Links, completing Oban-Fort William and Fort William-Inverness as well as bringing below standard sections of network up to standard. Funding to LAs available over multiple years. This will be on at least a 50:50 match funding basis.
As action 2.
Cycling Scotland submitted a response to the Rail 2014 Consultation.
Transport Scotland's Road Safety Team is working with the City of Edinburgh Council on the South Edinburgh project. The outcome of this will help inform a best practice study
New guidance to be circulated by Transport Scotland
Action being taken forward internally by Transport Scotland with a report due by the end of 2012
Transport Scotland's sustainable transport team have investigated the remit for a study and invited input from the CAPS delivery forum

road users.	
	Action being taken forward internally by Transport Scotland, including current work on pavement parking and dropped kerbs.
Update and re-issue Scottish Office Development Department Circular 7/97.	Circulated by Transport Scotland in March 2012 to all Local Authority Chief Executive, Heads of Transportation and Chiefs of Police
Continue to collect national cycling data	IPSOS Mori has been awarded the new Scottish Household Survey contract.
Develop guidance for gathering data on the numbers of people cycling at a local level.	MVA Consultancy appointed to develop Cycle Use Monitoring & Guidance

Note: Information on action to date provided to SPICe by Cycling Scotland and Transport Scotland

The Scottish Government's <u>Road Safety Framework to 2020</u> (Scottish Government 2009) sets out the following five commitments for improving the safety of cyclists:

- Develop a Cycling Action Plan for Scotland [published 2010] to achieve the overarching outcome of 'more people cycling more often'. One action will be to increase the numbers of children receiving cycle training and therefore promoting road safety.
- Ensure that all road users receive appropriate education and training messages about cycling in the road environment, including journeys to and from school and in residential areas.
- Continue to monitor and develop Scottish Cycle Training Scheme [replaced by Bikeability Scotland] resources for dissemination to Road Safety Units and others responsible for co-ordinating the Scottish Cycle Training Scheme programmes.
- Encourage the wearing of correctly fitted helmets by cyclists, especially children.
- Ensure cyclists are considered in new road and maintenance schemes.

FUNDING

Revenue and capital funding for cycling comes from two principal sources, the Scottish Government and local authorities. The Scottish Government provides funding for cycling under a number of different budget headings, which currently include:

- Support for Sustainable and Active Travel
- Future Transport Fund
- Transport Scotland Trunk Road Cycling Initiative
- Cycling, Walking and Safer Streets grant to local authorities

The Scottish Government has also allocated funding to cycling on an ad hoc basis from additional funds allocated through the Barnett formula (Barnett consequentials) and from departmental budget under-spends in other policy areas such as Road Safety and the Climate Challenge Fund in 2011-12.

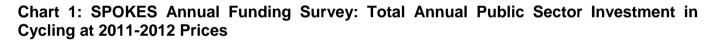
Each local authority can choose to allocate revenue and capital funding to cycling from its budget - decisions on how much to allocate are a matter for each individual local authority. Local authorities also fund Regional Transport Partnerships, which can also choose to fund cycling projects.

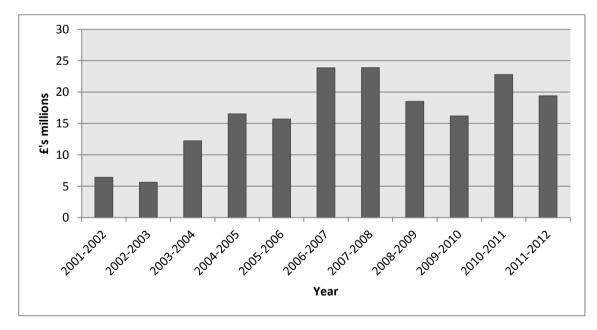
There are no official figures collated on how much is invested in cycling by the Scottish Government and local authorities. This lack of clarity was picked up by the Infrastructure and Capital Investment Committee during its scrutiny of the Draft Budget 2012-13. The Committee's <u>Stage 1 Report</u> (Infrastructure and Capital Investment Committee 2011) on the Draft Budget stated:

"...the Committee would also welcome greater clarity within the transport budget on the levels of funding for active travel. The Committee notes that the best estimate of levels of funding for active travel is provided by SPOKES, the cycling charity, and recommends creating a separate budget line for active travel within the transport budget, or even creating respective budget lines for cycling and for walking and safer streets."

As mentioned above, SPOKES undertakes an annual survey which aims to identify total Scottish public sector investment in cycling. The figures produced by SPOKES are the most accurate and comprehensive guide to investment in cycling in Scotland. The most recent figures can be found in SPOKES <u>Bulletin 111</u> (SPOKES 2011).

Chart 1 below highlights SPOKES figures for total public sector investment in cycling between 2001-2002 and 2010-2011 at 2011-2012 prices, a full breakdown of these figures is available in Annex 1. SPOKES has yet to produce full figures for 2012-13, however they state in Bulletin 112 that "Were we to print our usual all-sources cycling-only table, the picture for 12/13 would also predict falling investment." This statement takes account of the additional investment in active travel announced on 8 February 2012, during the Stage 3 debate on the Budget (Scotland) Bill.





There are several key highlights from the SPOKES figures that are worth noting:

- The highest level of annual investment in cycling, at 2011-2012 prices, was 2007-2008 with a total of £23.88m
- Total public sector annual investment in cycling has never exceeded 1% of the total public sector spend (Scottish Government and Local Authority combined) on transport in Scotland
- Public sector investment in cycling is subject to considerable annual variation, e.g. a 45% increase between 2009-2010 and 2010-2011 and then a fall of 13% for 2011-2012

Table 5 sets out the Scottish Government's annual investment in cycling since financial year 2003-2004. It is important to note that this slightly overestimates total Scottish Government investment in cycling as several budget headings also cover walking (Cycling, Walking and Safer Streets and Smarter Choices, Smarter Places) and other modes of transport (e.g. School Travel Co-ordinators). Detailed figures for financial years 2012-13 onwards are not available at present.

					Year				
Grant (m)	2003- 04	2004- 05	2005- 06	2006- 07	2007- 08	2008- 09	2009- 10	2010- 11	2011- 12
Cycling, Walking and Safer Streets	8.0	8.2	8.650	8.870	9.090	9.09	9.09	9.09	7.458
School Travel Co-ordinators	0.750	1.0	1.0	1.025	1.050	0	0	0	0
Cycling Scotland	0.315	0.315	0.350	1.6	0.900	1.400	0.901	1.387	2.3
Sustrans	3.0	3.165	3.7	8.015	8.3	5.015	4.150	7.67	5.784
The Bike Station (for Build your own Bike courses)	Scheme began financial year 2008-09 0.028 0.028 0.028 0.028 0							0.035	
Smarter Choices, Smarter Places (active travel element)	Scheme began financial year 2008-09 3.333 3.333 3.334 0.900								
Total	12.065	12.68	13.7	19.51	19.34	18.886	17.502	21.509	16.477
Total 2011-12 prices	14.732	15.051	15.937	21.968	21.286	20.180	18.372	21.982	16.477

Table 5: Scottish	Government annua	al investment in	cvcling (al	l figures £m's)
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Note: Figures supplied to SPICe by Transport Scotland. Figures at 2011-12 prices calculated by SPICe using HM Treasury GDP deflators published March 2012

CYCLISTS AND THE LAW

This section aims to set out the main features of roads law as it applies to cyclists. While every effort has been made to ensure this information is accurate it is not a comprehensive description of the law and is not intended to be legal advice.

Cycling on the pavement: Most people will tell you that an adult cycling on a pavement is committing an offence. However, the issue of cycling on the pavement is more complicated than it may first appear. The Roads (Scotland) Act 1984 does not use the term "pavement", as this can also mean the surface of a road. Rather, it defines five key terms:

- **Road:** A way over which there is a public right of passage by any means, including the road's verge and any associated bridges, tunnels etc.
- **Carriageway:** Commonly known as "the road", the carriageway is a way which can be used by any vehicle.

- **Footway:** Commonly known as "the pavement", a footway is a way, which is associated with a carriageway, where right of passage is limited to foot.
- **Footpath:** A way, which is not associated with a carriageway, where right of passage is limited to foot.
- Cycle track: A way where passage is limited to bikes or bikes and foot.

Generally, anyone cycling on a footway or footpath in Scotland is committing an offence under the provisions of Section 129(5) of the Roads (Scotland) Act 1984. It is not an offence to cycle across a footway or footpath to access a cycle track, driveway or other land where cycling is allowed.

The issue is complicated by access rights granted to cyclists under Section 1 of the Land Reform (Scotland) Act 2003 ("the 2003 Act"). The 2003 Act allows cycling on most land unless access is controlled by or under another enactment. This means that land reform access rights do not normally apply to roads or footways as their use is restricted under various statutes. However, the 2003 Act does allow cycling on any path where access has not been restricted by a Traffic Regulation Order or through other legal means. In practice, this allows cyclists to use most paths in urban parks and rural areas.

To further complicate matters, Section 7(1) of the 2003 Act states that the restriction on access rights described above does not apply where land has been designated as a "core path" under the provisions of the 2003 Act¹. This means that cyclists may be able to cycle on a footpath, or even a footway, designated as a core path without committing an offence. However, it is important to remember that access rights must be exercised responsibly and cyclists should consider cycling on the carriageway (i.e. road) even if the associated footway has been designated as a core path.

Other cycling offences: As well as the offence of cycling on a footway/footpath, the Road Traffic Act 1988 sets out a number of other cycling related offences, which are summarised below:

- Section 24: Ride more than one to a bicycle, unless it has been designed to carry more than one person
- Section 26: Hold on to a moving vehicle or trailer
- Section 28: Cycle dangerously
- Section 29: Cycle in a careless or inconsiderate manner
- Section 30: Cycle under the influence of drink or drugs
- Section 36: Fail to comply with road signs and signals
- Section 163: Failure to stop when required by a police or traffic officer
- Section 168: Failure to give, or giving false name and address in case of careless, inconsiderate or dangerous cycling

What constitutes dangerous cycling: Dangerous cycling is defined as cycling in a manner liable to cause either injury to a person or serious damage to property. In determining whether a person has cycled dangerously, a Sheriff must consider whether it would have been obvious to a competent and careful cyclist that cycling in such a manner that fell far below the standard that would be expected of such a cyclist.

¹ The 2003 Act requires every local authority and National Park authority (access authorities) in Scotland to draw up a plan for a system of paths (known as core paths) to give the public reasonable access throughout their area.

What constitutes careless or inconsiderate cycling: A person may be guilty of careless or inconsiderate cycling if the cycle on a road without due care and attention, or without reasonable consideration for other persons.

Roadworthiness: Any bike being ridden at night or when there is seriously reduced visibility must be fitted with a rear reflector, pedal reflectors and front and rear lights, under the provisions of the Road Vehicle Lighting Regulations 1989 as amended. Flashing lights are allowed. Failure to comply with these requirements is an offence. The Pedal Cycle (Construction and Use) Regulations 1983 requires anyone using a bike to ensure that their brakes are in working order.

Enforcement: The enforcement of cycling offences is a matter for local police forces. Police use fixed penalty notices to deal with most cycling offences, e.g. cycling without lights at night or failing to stop at a red light. A fixed penalty notice for a cycling offence requires the payment of a £30 fine. However, someone found guilty, on summary conviction, of carrying a passenger on a bike designed for one person could be fined up to £200, holding on to a moving vehicle up to £200, careless or inconsiderate cycling up to £1000, cycling while unfit through drink and drugs up to £1000, failing to comply with traffic signs or signals up to £1000, dangerous cycling up to £2500 and cycling on the pavement up to £500. Failure to stop when required, failure to give details or providing false details can result, on summary conviction, of a fine of up to £1000. The level of fines due for cycling offences are set out in Schedule 2 of the Road Traffic Offenders Act 1988.

Children and young people are not technically exempt from the legal restrictions described above. However, the Criminal Justice and Licensing (Scotland) Act 2010, Section 52 establishes that no-one aged under 12 can be prosecuted for an offence, effectively meaning that anyone aged under 12 can freely cycle, in a responsible manner, on the pavement.

CYCLE INFRASTRUCTURE

The Scottish Government/Transport Scotland sets out its best practice guidance on the design of cycling infrastructure in <u>Cycling by Design 2010</u> (Transport Scotland 2010). Cycling by Design 2010 sets two design standards, i.e. desirable minimum and absolute minimum, decisions on which standard should apply are made as follows:

"Whilst designers should always aim to provide high quality facilities which exceed guidance, the 'Desirable Minimum' should be considered as the minimum design requirement providing a good quality of facility.

The 'Absolute Minimum' may be applied where there are constraints that mean the Desirable Minimum design guidance cannot be met, for cost, environmental or social reasons.

It is the responsibility of the scheme designer to examine the circumstances of each situation and determine what is appropriate, where minimum guidance may be tolerable and whether or not mitigation may be required in applying such guidance."

In addition to Cycling by Design 2010, detailed advice on the design of cycle infrastructure is set out in the UK <u>Design Manual for Roads and Bridges (DMRB), Volume 6, Section 3</u> (Highways Agency 2012). This document is produced by the transport departments of the four UK administrations. Although aimed primarily at trunk road design, the DMRB is the standard reference document for all road design in the UK.

CYCLE TRAINING

Cycle training for children and young people in Scotland is provided through Cycling Scotland's <u>Bikeability Scotland</u> scheme. The scheme provides three levels of training, the content of which are briefly outlined below:

- Level 1: Level 1 teaches children the basic skills of riding a bike, such as balance, control and making turns. It is usually delivered to children in Primary 5, and takes place in the playground.
- Level 2: Level 2 teaches children how to ride a bike safely on the road and navigate basic junctions. It is usually delivered to children in Primary 6 and 7 and takes place on quiet roads.
- Level 3: Level 3 teaches children how to navigate more complex junctions and plan journeys effectively. It is aimed at Primary 7 pupils and supports them to make independent journeys and plan the quietest and safest route available. Level 3 training is delivered on road, on a route that has been risk assessed by a qualified cycle trainer.

Bikeability Scotland training is usually provided at school by qualified cycle trainers and cycle training assistants, made up of Cycling Scotland trained school staff and volunteers. There is no requirement for schools to provide cycle training, although 68.5% of pupils receive some form of cycle training at primary school, with 31.5% receiving some form of on-road training (Scottish Parliament 2012).

Information on adult cycle training is available from Cycling Scotland.

STRICT LIABILITY

There is no legal hierarchy of care for road users in the UK, i.e. the drivers of larger or heavier vehicles have no special duty of care to more vulnerable road users. In the event of someone who suffered personal injury or damage to their vehicle in a road traffic accident seeking damages in a civil action, the responsibility to prove negligence (on the balance of probabilities) lies with the claimant, who has to prove that the defender was negligent and caused material harm.

Strict liability is a term used (not entirely accurately with regard to its true legal meaning) to describe a situation where a driver being pursued for damages by a more vulnerable road user will normally be deemed responsible for the accident unless they can prove that the more vulnerable road user acted in a reckless or negligent manner. This duty would apply to all road users.

It is important to note that strict liability does not mean a driver will always be held responsible for an accident involving a more vulnerable road user. If the driver can prove that they were not responsible for the accident, then they will not be held at fault for it. Indeed, strict liability could place an additional duty of care on cyclists towards pedestrians, as they are more vulnerable than cyclists. Transport Scotland is committed to researching the operation of strict liability laws in other countries as part of its Cycling Action Plan for Scotland commitments. However, this area of law is reserved to the UK Government.

ANNEX 1 : SPOKES ANNUAL CYCLE FUNDING SURVEY: FUNDING SOURCES SUMMARY TABLE. (ALL FIGURES £M)

	Year											
Funding Source	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009	2009- 2010	2010- 2011	2011- 2012	
Local authority expenditure	1.5	1	0.8	1.1	0.8	1	1	2.3	1.1	2.1	1.8	
Cycling, walking and safer streets	0.2	0.2	1.5	1.6	3	3.3	3.3	3.7	3.4	3.9	3.4	
Public Transport Fund	1.8	1.8	3.6	3.5	3.4	0.7	Public ⁻	Public Transport Fund abolished				
Sustrans	0	0	2.5	3.5	2	7.8	7.8	5	3.9	7.5	5.4	
Regional Transport Partnerships	RTPs establis 2005	hed in	0.8	1.1	1.1	3.7	4.9	1.6	1.9	1.9	1.9	
Cycling Scotland	N/A	N/A	0	0	0.3	1.6	1.6	1.5	0.9	1.3	2.3	
Smarter Choices	Scheme began in financial year 2008-2009							0.5	1.4	0.9	0.3	
Trunk Roads	N/A	N/A	N/A	2	2	2	2	1	1.4	2	2	
Other	1.5	1.5	0.8	1.1	0.9	1.1	1.1	1.7	1.4	2.7	2.3	
TOTAL	5	4.5	10	13.9	13.5	21.2	21.7	17.3	15.4	22.3	19.4	
TOTAL (2011-12 prices) ²	6.40	5.61	12.21	16.50	15.70	23.87	23.88	18.49	16.17	22.79	19.40	

The Scottish Government budget line "Support for active and sustainable travel" does not appear in the above table as funds allocated to that budget are used to support the work of Cycling Scotland and Sustrans

² Figures at 2011-12 prices calculated by SPICe using HM Treasury Deflator figures published March 2012

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