**Legal**

Respecting boundaries

**Q** Who is responsible for making the boundaries of properties safe? After brambles sliced my ear and (more dangerously) cut my eye on rides and walks along roads and cycle paths, I voluntarily cut back brambles and wild rose stems overhanging boundary walls and hedges. In the 1960s we were told at agricultural college that landowners were responsible for making their boundaries safe. Landowners say it is the local authority’s responsibility. Who is right?

**A** There is a distinction between highway authority (HA) land and privately owned land and vegetation. A dying tree on the HA’s estate must be dealt with if it can be shown that the HA knew or reasonably ought to have known of its condition. There’s an argument to say that duty should also involve privately owned trees within falling distance of the highway.

With regards to brambles, the best one could hope for is that the HA serves a notice on the landowner under S154 Highways Act 1980, requiring action to be taken to deal with hedges, trees and shrubs that overhang the highway. The current national code (‘Well-managed Highway Infrastructure’) addresses restricted visibility at access points, junctions and bends, as well as obstruction of traffic signs and lighting, but leaves the level of intervention to the individual HA, invoking a risk-based approach. The current code is a lot less prescriptive than its predecessor.

Vegetation only becomes actionable if it obstructs free passage along the highway. A dying or diseased tree may be less apparent than a thorny bramble, but it is the duty of the landowner or occupier of the land adjacent to the highway to ensure that free (and safe) passage along the highway is not compromised.

If the HA, during its safety inspections or from information received from the public, concludes that vegetation is causing a risk, then it may serve a notice, but it would be difficult to pursue a claim against the HA on the basis of its failure to serve such a notice. A court would rarely find against a public body for a failure to exercise a power vested in it.

In summary: report it to the HA and request that it serves an S154 notice upon the landowner.

**Paul Darlington**

**Technical**

Fork torque

**Q** I have a Dawes Horizon with a carbon fork and a front disc brake. The front wheel has a hub motor with a relatively low torque of 40Nm. I’ve heard that carbon forks shouldn’t be used with motorised wheels. I would like your opinion.

**A** The bending force exerted on the fork blades and fork crown by a powered front wheel are lower than those generated by hard braking from a front disc brake, so a fork that has been built to handle the latter will be fine with the former.

However, a potential problem arises with the way the wheel drives the cycle. As with a hub gear, the wheel axle will try to rotate in its dropouts in the opposite direction to wheel rotation as drive torque is applied – in this case by the motor. It must be securely anchored, perhaps by an extended slot in a dropout, to prevent this. Most carbon forks use aluminium dropouts that are glued, or bonded, into the blade tips. They are not designed to handle the powerful rotational forces generated by a front wheel hub motor, so while your fork may be fine, keep an eye on the dropouts for any indication of failure of the bonded joint.

**Richard Hallett**

**Sidepulls & mudguards**

**Q** I have a 2007 Salsa Casseroll that came with Tektro 521AG brakes. It supposedly has clearance for 35mm tyres with mudguards. I’m looking to fit 32mm tyres with guards and would appreciate advice on which combination of guards and dual-pivot brakes will fit. The bike now has 28mm tyres and SKS 35mm guards. I suspect SKS 45mm guards won’t fit. I’m looking at Kinesis Fend Off guards in 40mm size. Will a dual-pivot brake fit around that? Other mudguards to consider?

**A** As a first step, measure the gap between the insides of the fork blades under the crown. This will show the maximum width mudguard that will fit without it being modified. Mudguards that are 40mm wide will give adequate clearance for 32mm tyres. If you have a taste for the exotic, Gilles Berthoud offers a 40mm version of its excellent stainless steel mudguards. The Casseroll has clearance for 32mm tyres with mudguards, so you should have no problem with that tyre size – although you may want to measure up before fork ing out.

**Richard Hallett**

**Get in touch**

**EMAIL** your technical, health, or legal questions to editor@cyclinguk.org or write to Cyclopedia, Cycle, Cycling UK, Parklands, Railton Road, Guildford, GU2 9JX. Cycle magazine cannot answer unpublished queries. But don’t forget that Cycling UK operates a free-to-members advice line for personal injury claims, **TEL:** 0330 107 1789.