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[City Council hits potholes on South End private alley issue](#)

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http://www.boston.com/yourtown/news/south_end/2011/04/city_council_hits_potholes_on.html



(Christina Pazzanese photo)

This South End alley runs parallel to East Berkeley Street.

By Cara Bayles, Town Correspondent

The designation of alleyways as "private" has long been a source of contention in the South End. When [toilets exploded in Saint Botolph](#), the city claimed maintenance of sewers in private alleys wasn't its responsibility. The Department of Public Works won't

touch the [gaping potholes in a private alley between Rutland Square and West Newton Street](#) that are so deep, they have been filled with several bricks.

The decision neighbors made centuries ago about whether to turn over their alleys to the city has led to an inequity in Boston's oldest neighborhoods. If the property line extends to the middle of the street, the alleyway is private, which means neighbors are collectively responsible for the street's maintenance and repair.

"We are a very old city. One of the best and the oldest," Para Jayasinghe, a city engineer with the Department of Public Works, said during a City Council hearing last night to discuss the inequity neighbors who inherited private alleys face, and the difficulties of turning private ways over to the city. "How we got here is a process."

Alleys that are currently public have been grandfathered into the city's rolls, but Jayasinghe explained that in order for an alley to become private now, it needs to be large enough to meet modern road and Americans with Disabilities Act requirements. That means 20 feet for black top and approximately 7 feet on each side for handicap-accessible sidewalks.

Most public alleys in these neighborhoods don't meet modern requirements and few alleys, private or public, are 34 feet wide.

"That's ... complicated," said Councilor Felix Arroyo, shaking his head.

James Mansfield, of the city's transportation department, added that if the regulations changed, and a street that was less than 18 feet wide were to come under the city's purview, the transportation department would not allow cars to park there.

"If it is turned over, the parking that exists on those private ways now would no longer exist," he said.

Many of the sewer systems in private alleys are considered private. Even though they eventually connect with the municipal system, residents are responsible for maintaining the sewers, some of which are over a century old, residents said.

The city had developed a new program to convert private sewers after a massive flood in 1999 backed up sewers in the South End, according to James Steinkraus, deputy general counsel for the Boston Water and Sewer Commission.

One success story is Bond Street in the South End. After the sewer system collapsed on one side, residents petitioned the city to intervene. The sewer system, which was underneath the private alleys behind the buildings was shut off, and the commission installed a new system under Bond Street itself. The project came with a \$75,306.93 price tag, and the city covered 25 percent of the cost of installation.

"It takes several years to complete," Steinkraus said after the hearing. "We've only done a few."

Most of last night's testimony came from South End residents, who have struggled with maintenance issues for years, with neighborhood associations spearheading initiatives to turn their alleys over to the city, as well as fund-raising efforts to hire private contractors who can make the alleys passable.

Jerry Frank, president of the Union Park Neighborhood Association, said he was embarrassed by Ivanhoe Way, a private alley besieged by deep potholes.

"It looks like Hanoi in the early '70s," he said. He pointed out that regardless of the alley's width it would be impassable for a wheelchair, and that the policy seemed to be that the city couldn't do everything, so it wouldn't do anything.

"Abutters are also burdened with liability, if someone were to get injured in a private alley due to negligent maintenance," he said.

Councilor Bill Linehan, who represents the South End, said he grew up on a private way.

"I understand the whole host of frustrations that go with not getting the services you need," he said.

He and Arroyo both seemed to suggest that they would apply to change the state law regarding width requirements for new public alleys.

"We're going to have to take off these shakles of 'Ok, that's how things have been done in the past," Arroyo said.

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