

# Citizens to Save the Berkeley Post Office



*Fullerton*



*Orange Grove*



*Burlingame*

## **GOLDEN STATE HERITAGE**

*Saving a legacy*



*Palo Alto*



*Santa Barbara*



*Huntington Beach*



*Berkeley*



*Modesto*



*Ukiah*



*San Rafael*



*South Gate*



*La Jolla*



*Venice*



*Santa Monica*



*Redlands*

**Meeting with Jennifer Tang at  
Senator Barbara Boxer's Oakland Office  
Wednesday, May 29, 2013**

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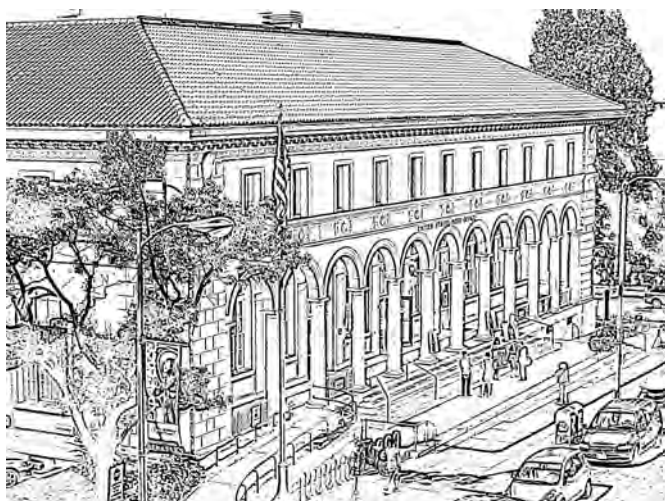
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# Citizens to save the Berkeley Post Office

## Who we are...



*A grassroots group that has come together to block the sale of our heritage, stop service cut backs, and preserve living wage postal jobs.*

*Our fight is not unique. Thousands of post office closures across the country mean the largest private auction of public history our nation has ever seen.*

*Join the movement and spread the word. Our post office is not for sale.*

On June 25, 2012, Berkeley Mayor Tom Bates received a letter from the United States Postal Service (USPS) advising him that Berkeley's historic and National Register-listed downtown post office would be sold, delivery operations and bulk mail relocated out of the central business district and retail service moved to an undetermined location.

About a month later on July 24, 2012, Citizens to Save the Berkeley Post Office held a Happy Birthday Post Office! rally to celebrate 98 years of service at the Allston Way facility.

The Berkeley community has rallied, march and sang to indicate their opposition to the sale. In a city that often has difficulty reaching consensus the Mayor and entire city council are opposed to the sale.

Postal Service policy, historic preservation law and the National Environmental Policy Act all require the USPS to engage with affected communities fully and as early as possible. Unfortunately, the Postal Service has had difficulty sharing information with our community, let alone acting as a partner interested in the best possible outcome. This is not peculiar to Berkeley.

As a citizen in La Jolla remarked around their fight to save their community post office "We have spent 14 months trying to get into a civil conversation with the USPS through administrative process. It is now time for our outrage at not being heard. This is unacceptable, disrespectful and not what America was built on."

# Citizens to Save the Berkeley Post Office

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April 30, 2013

Mr. Tom Samra  
Vice President, Facilities  
Facilities Implementation – Pacific Area  
1300 Evans Ave. Ste. 200

Dear Mr. Samra

We are writing to ask you to keep and maintain the Berkeley Main Post Office as a public building for the following reasons:

1. It is a core building in our civic center and local businesses rely on it for its services. Its closure will have severe economic, cultural and environmental implications for our entire city.
2. It would not be of financial benefit to you to sell a building you own and relocate to a downtown space that would cost you a high rent into the foreseeable future.
3. It is your duty to manage the public property entrusted to you by Congress--this was paid for by our taxes, and it is your responsibility to maintain it in the public sector.
4. The building is historic, designated a landmark by the U.S. Department of Interior, the State of California and the City of Berkeley.
5. The citizens of Berkeley, CA are opposed to the sale of this historic building, and are doing everything that they can to prevent its sale.
6. The elected officials of Berkeley have requested a one year moratorium on the sale to work with the US Postal Service to develop a solution that meets both the public trust obligations and economic needs of the Postal Service.

Moving the building and its New Deal murals to the private sector will violate the public trust delegated to you when the buildings were moved to your control by Congress, and when the public art within them was financed by the New Deal. If sold, the public art may no longer be available to the public--to date, other historic post offices have been abandoned, razed, remodeled and sold to owners who refuse access to the art by the public. The sale reflects on your ability to manage the property entrusted to you, and we appeal your decision to sell it.

The Berkeley Architectural Heritage Association recently published a book called "Berkeley Landmarks" by Susan Cerny. She notes that the Post Office was designated a Berkeley Landmark in 1980. It is also listed on the National Register of Historic Places.

According to Cerny, "The elegant facade of the Post Office could be described as a free adaption of Brunelleschi's Foundling Hospital in Florence, Italy, with its high round arches

on plain Tuscan columns. The style of the Post Office is referred to as Second Renaissance Revival."

The building was authorized in 1910, but it was not completed until 1915. During this period government buildings were designed to educate and develop the public taste. The Berkeley Post Office is an excellent example of this sense of mission. It is a handsome and well-preserved architectural statement of the U.S. Treasury Department Supervising Architect's Office headed by Oscar Wentworth.

In 1915 it symbolized the city's coming of age, coinciding with a period of great economic and population growth. Downtown Berkeley still has its historic Main Street, developed in the 1910's and 20's, with another spurt of growth in the 1930's. We are one of the few cities in California with a more or less intact historic Main Street.

Together we are adamantly opposed to the sale of the Berkeley Main Post Office. We cannot imagine that anyone with any knowledge of the importance of this building to Berkeley would consider the relocation of its retail services and its closure.

We urge you to reconsider your decision and keep this historic landmark in use as a post office, the purpose for which the building was constructed.

Sincerely,

**Gray Brechin, Ph. D.**

The Living New Deal

**Ying Lee**

Grandmothers Against War

Former Legislative

Director, Congresswoman Barbara Lee

**Margot Smith**

Berkeley-East Bay Gray Panthers

**Harvey Smith**

National New Deal Preservation Assn.

**David Welsh**

Retired Letter Carrier

Delegate, San Francisco Labor Council



June 21, 2012

MAYOR TOM BATES  
CITY OF BERKELEY  
2180 MILVIA STREET  
BERKELEY CA 94704-1122

**RECEIVED**

JUN 25 2012

Office of  
Mayor Tom Bates

Dear Mayor Tom Bates:

In order to keep you informed of changes within the United States Postal Service, I am providing this notification letter regarding modifications in delivery and retail operations in Berkeley, California.

Berkeley Main Post Office located at 2000 Allston Way Berkeley CA 94704-9998 will be sold and the lease with Hinks NPU (Post Office Box operations) will be terminated. Alternate retail quarters will be established to consolidate Berkeley Main Post Office (retail operation) and Hinks NPU (Post Office Box operation).

Berkeley Main Post Office delivery operations and the Business Mail Entry Unit (BMEU) operations at 2000 Allston Way Berkeley CA 94704-9998 will be relocated to the Berkeley Destination Delivery Unit (DDU) located at 1150 8<sup>th</sup> Street in Berkeley CA 94710-9992.

The same level of service will continue at existing retail units that enable customers to mail letters and packages, purchase stamps, ship items via Express Mail, Priority Mail and purchase special services.

The Postal Service is following all applicable collective bargaining procedures regarding how employees maybe impacted and we are communicating regularly with our Union and Management Associations.

If you have any questions regarding this initiative, please feel free to contact the Bay Valley Consumer and Industry Contact Office at (510) 622-7420.

Sincerely,



James Clausen  
District Manager

Cc: HQ Government Relations



## Loni Hancock

SENATOR, NINTH DISTRICT

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May 17, 2013

Senator Barbara Boxer  
70 Washington Street, Suite 203  
Oakland, CA 94607

Dear Senator Boxer:

I am writing to ask your help in requesting information from the United States Postal Service (USPS) to my office and the City of Berkeley regarding the proposed sale and relocation of the Berkeley Main Post Office.

As you are aware, USPS has decided to close many post office locations and sell many of its properties. While I have great concerns about this decision and the motivations behind it, I am also concerned with the lack of transparency of the USPS' decision making process. Over the course of several months, my efforts to gain clarity on process USPS is using to make decisions, as well whether these decisions can be appealed to the Postal Regulatory Commission (PRC), have resulted in conflicting information and unclear responses.

These are the questions that I have:

- What are all of the USPS properties in the State of California slated for sale, relocation, and closure, or as USPS sometimes refers to it, "right-sizing?" I have been unable to obtain a list.
- There has been a great deal of confusion with regards to the appeals process, which appears to be dependent on how the action is classified (i.e., closure vs. relocation). What are the formal written regulations pertaining to the appeals process for a closure, relocation, sale, and/or "right-sizing" of USPS property? Are USPS decisions appealable to the PRC in all cases?
- USPS does not currently have a property secured to which to relocate the Berkeley Main Post Office once it sells the building. Can the sale of a Post Office building move forward in a relocation action if no relocation site has been identified? What happens if no relocation site is found after a sale?



Additionally, the City of Berkeley has asked:

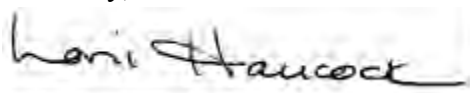
- What is the appraised value of the Berkeley Main Post Office, located at 2000 Allston Way?
- The USPS has stated that the Berkeley Main Post Office is an underutilized property, which is why it has decided to relocate and sell the building. The City of Berkeley has stated many times that it is willing to work with USPS to find alternative uses for the underutilized section of the building – what does the city need to do to partner with USPS and prevent the sale of this landmark which is on the National Register of Historic Places?
- When will the USPS make a decision regarding the City of Berkeley's current appeal of the decision to sell the Berkeley Main Post Office, and can the City be present at a public hearing or meeting to present its case before the decision is made?

The decision to sell and close the Berkeley Main Post Office, and many others like it throughout our country, comes with very serious implications. It not only puts significant national treasures at risk, but also has the potential to erode local economies. The communities that will be directly impacted have a right to full and accurate information regarding this process. Additionally, cities that are willing to work with USPS to find alternate solutions that could help diminish the impact should be allowed an opportunity to do so. Instead, they have been shut out of the process.

The USPS cannot be allowed to dismiss the communities it serves and act unilaterally without regard for the negative impact its actions. All the community and its elected representatives are asking for is a fair, informed, and transparent process. If USPS is unwilling to provide full disclosure of information to the public, I seriously call into question its decisions to downsize its operations and sell off properties.

Therefore, I respectfully request that you forward our questions to the Postmaster General and obtain answers to the questions USPS has been unwilling to answer.

Sincerely,

A handwritten signature in black ink, reading "Loni Hancock", written over a light blue horizontal line.

LONI HANCOCK

Senator

LH:mm

cc: Mayor Tom Bates

**CORRESPONDENCE LOG**  
**CITY OF BERKELEY FOIA REQUEST TO USPS**

**9/26/2012**    **City of Berkeley informal information request**

**10/23/2012**    **City of Berkeley formal FOIA request**

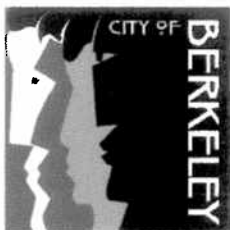
**12/4/2012**    **USPS Requests a 30-Day Extension**

**1/29/2013**    **City of Berkeley letter of inquiry on status of FOIA request**

**2/6/2013**    **USPS extends response date for FOIA request**

**2/19/2013**    **USPS transmittal letter in response to FOIA request**

The Freedom of Information Act documents requested by the City of Berkeley and provided by the United States Postal Service on February 19, 2013 are posted on the City of Berkeley website:  
[http://www.cityofberkeley.info/Clerk/Home/Post\\_Office\\_Subcommittee\\_USPS\\_FOIA\\_Response.aspx](http://www.cityofberkeley.info/Clerk/Home/Post_Office_Subcommittee_USPS_FOIA_Response.aspx)



Office of the City Manager

September 26, 2012

Ms. Diana Alvarado  
Property Manager  
USPS Pacific Facilities Service Office  
1300 Evans Avenue, Suite 200  
San Francisco, CA 94188-8200

Subject: Request for Information Regarding Berkeley Main Post Office

Dear Ms. Alvarado,

The City of Berkeley City Council will be conducting a Special City Council meeting on Thursday October 18, 2012 at 7:00 p.m. in the City Council Chambers located at 2134 Martin Luther King Jr. Way. The purpose of that meeting will be for the City Council to discuss the proposal by the United States Postal Service (USPS) to sell the Berkeley Main Post Office and relocate its operations elsewhere.


We understand that the USPS is required by law to conduct public meetings regarding the sale of its property. The City of Berkeley is amenable to the USPS utilizing the Special City Council meeting on October 18<sup>th</sup> as the forum for one of those public meetings. However, please be advised that the USPS remains responsible for providing the legally required public notice for its public meeting. In any event, USPS representatives are both invited and encouraged to attend the meeting in order to provide more information about the Service's plans with respect to this facility.

At that meeting, the City Council is also likely to discuss its response to the USPS's plans to sell the Berkeley Main Post Office. In furtherance of that discussion, below please find a list of documents that we hereby request be provided to the City prior to the October 18<sup>th</sup> meeting:

- a. Seismic status of the building including any engineer's reports or construction estimates of required work or approved plans for any retrofit work that has been conducted;
- b. Useable square footage;
- c. Interior floor plan, structural plan, foundation plans;

September 26, 2012

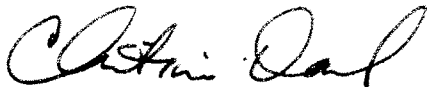
Request for Information Regarding Berkeley Main Post Office

- d. Inspection reports of HVAC and Mechanical/Electrical/Plumbing systems including any estimates of remaining useable lifespan if they exist;
- e. Evidence of any roof replacements or repairs and/or reports on roof repairs required;
- f. Phase I and Phase II reports;
- g. Historical information or reports; and
- h. Any analyses or reports prepared pursuant to a review of the facility under CEQA or NEPA. 

Finally, please note that the City of Berkeley is a Certified Local Government (CLG) in partnership with the State Office of Historic Preservation (SOHP) and the National Park Service. As a CLG, the City of Berkeley provides public participation by way of its Landmarks Commission public hearings related to Section 106 processes. Please confirm that the USPS, as lead agency, will involve the City of Berkeley and its Landmarks Preservation Commission as a consulting party in findings and determinations made during the section 106 process.

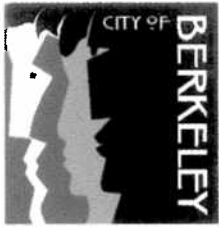
We appreciate your attention to our requests. Please let us know if you have further questions about the City Council meeting on October 18<sup>th</sup>, or require clarification about any of our requests. Either myself or Deputy City Manager William Rogers can be reached at 510-981-7000.

Sincerely,



Christine Daniel  
City Manager

cc: Honorable Mayor and City Councilmembers  
William Rogers, Deputy City Manager  
Zach Cowan, City Attorney  
Eric Angstadt, Planning Director  
Mark Numainville, Acting City Clerk  
Mary Kay Clunies-Ross, Public Information Officer



Office of the City Manager

October 23, 2012

Manager, Records Office  
US Postal Service  
475 L'Enfant Plaza SW, Room 5821  
Washington DC 20260

Subject: Freedom of Information Act Request Regarding Berkeley Main Post Office

Dear Records Manager:

The information we are seeking under the Freedom of Information Act pertains to the physical condition of the Berkeley Main Post Office, located at 2000 Allston Way in Berkeley. Please consider this an official FOIA request pursuant to 5 U.S.C. § 552 and 39 C.F.R. Part 265.

Description of Records Being Requested

The records the City is requesting pertain to the physical structure of the Main Post Office facility. The documents should include the following information:

- a. Seismic status of the building, including any engineer's reports or construction estimates of required work or approved plans for any retrofit work that has been conducted;
- b. Useable square footage;
- c. Interior floor plan, structural plan, foundation plans;
- d. Inspection reports of HVAC and Mechanical/Electrical/Plumbing systems including any estimates of remaining useable lifespan if they exist;
- e. Evidence of any roof replacements or repairs and/or reports on roof repairs required;
- f. Phase I and Phase II reports;
- g. Historical information or reports; and
- h. Any analyses or reports prepared pursuant to a review of the facility under CEQA or NEPA.

Any format is acceptable, and the City is willing to pay fees up to \$50 without prior notice.



October 23, 2012

Re: Freedom of Information Act Request Regarding Berkeley Main Post Office

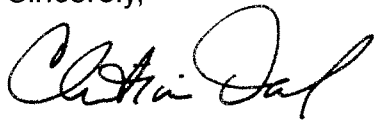
FOIA does not require the requestor to state a reason for the request, but does permit the statement of any reason why the records should be released.

As the USPS has proposed the possible sale of this historic building, the City of Berkeley is requesting information about the building's history and physical condition in its role as a consulting party in the required Section 106 process. The City of Berkeley is a Certified Local Government (CLG) in partnership with the State Office of Historic Preservation (SOHP) and the National Park Service. In addition, the public has a strong interest in understanding the life-safety condition of the building, and the requested documents will benefit the public's understanding of what future uses of the building would entail, should the USPS go forward with the proposed sale.

In light of your prior comments about the risks of releasing some of the records I previously requested, I draw your attention to 39 C.F.R. 265.6(g), which requires provision of requested records subject to redaction of information that may be withheld.

My contact information is below. I look forward to hearing from you.

Sincerely,



Christine Daniel  
City Manager

Christine Daniel  
Berkeley City Manager  
2180 Milvia Street, Fifth Floor  
Berkeley, California 94704  
(510) 981-7000  
[CDaniel@cityofberkeley.info](mailto:CDaniel@cityofberkeley.info)

cc: Honorable Mayor and City Councilmembers  
Diana Alvarado, USPS Pacific Facilities Service Office  
William Rogers, Deputy City Manager  
Zach Cowan, City Attorney  
Mark Numainville, Acting City Clerk  
Ann-Marie Hogan, City Auditor  
Mary Kay Clunies-Ross, Public Information Officer



December 4, 2012

Christine Daniel  
Office of the City Manager  
2180 Milvia Street  
Fifth Floor  
Berkeley, CA 94704

RE: FOIA Case No. 2013-FPRO-00099

Dear Ms. Daniel:

This is in response to your Freedom of Information Act (FOIA) request of October 31, 2012, in which you seek access to Postal Service records.

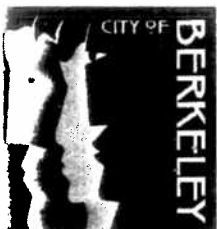
We are requesting a thirty day extension to January 18, 2013, for the release of the requested documents. We will make every effort to finalize your FOIA request prior to this date.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*Jim Allen*

Jim Allen  
Program Analyst  
Facilities Headquarters



Office of the City Manager

January 29, 2013

Mr. Jim Allen  
Program Analyst  
United States Postal Service  
Facilities Headquarters  
475 L'Enfant Plaza PI SW  
Washington, DC 20260-1862

***Via e-mail: james.g.allen@usps.gov***

Subject: FOIA Case No. 2013-FPRO-00099

Dear Mr. Allen,

I am following up on the FOIA request sent by the City of Berkeley to the United States Postal Service on October 23, 2012 requesting information concerning the Berkeley Main Post Office (see attached). On December 4, 2012 you replied that the agency would require until January 18, 2013 to provide a response (see attached). Unfortunately, the City did not receive any information as of January 18<sup>th</sup>.

Please advise when the City of Berkeley can expect to receive the documents and information requested. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Daniel", written over a faint circular stamp.

Christine Daniel  
City Manager.

Attachment 1: FOIA Request dated October 23, 2012

Attachment 2: Response from USPS dated December 4, 2012

cc: Honorable Mayor and City Councilmembers  
Diana Alvarado, USPS Pacific Facilities Service Office  
William Rogers, Deputy City Manager  
Zach Cowan, City Attorney  
Mark Numainville, Acting City Clerk  
Ann-Marie Hogan, City Auditor  
Pamela Embry, Public Information Officer



UNITED STATES  
POSTAL SERVICE

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February 6, 2013

Christine Daniel  
Office of the City Manager  
2180 Milvia Street  
Fifth Floor  
Berkeley, CA 94704-1122

RE: FOIA Case No. 2013-FPRO-00099

Dear Ms. Daniel:

This is in response to your Freedom of Information Act (FOIA) request, dated October 31, 2012, in which you seek access to Postal Service records.

There are several groups involved in the collection and review of the requested documents and the process is taking longer than anticipated. We are extending the response date and I have been assured the releasable documents will be available February 19, 2013.

We regret the delay and if you have any questions, please do not hesitate to contact me.

Sincerely,

*Jim Allen*

Jim Allen  
Program Analyst  
Facilities Headquarters

cc: HQ Records.

UNITED STATES  
POSTAL SERVICERECEIVED  
CITY MANAGER

2013 FEB 20 AM 10:59

February 19, 2013

Christine Daniel  
Office of the City Manager  
2180 Milvia Street  
Fifth Floor  
Berkeley, CA 94704-1122

RE: FOIA Case No. 2013-FPRO-00099

Dear Ms. Daniel:

This is in response to your Freedom of Information Act (FOIA) request, dated October 31, 2012, in which you seek access to Postal Service records.

You requested a variety of information related to the physical structure of the Main Post Office facility located at 2000 Allston Way. You further specified some specific types of information that you would like to receive. At this time, the Postal Service has located and is providing the following information.

- a. Requested Seismic Studies – (no responsive documents)  
Requested Engineer's reports – (no responsive documents)  
Requested Construction Estimates – (no responsive documents)  
List of projects – (attached – 2 pages)  
FMS Maintenance Report (attached – 1 page)
- b. Requested Useable Square Footage- see attached eDetail report (1 page)
- c. Requested Floor plan(s) – see attached Space Survey ( 6 pages)  
Requested Structural plan(s) – (no responsive documents)  
Requested Foundation plan(s) – (no responsive documents)
- d. Requested inspection reports for HVAC & Mechanical/Electrical/Plumbing – see attachment entitled Berkley MPO Scenario Baseline & Assessment Photos
- e. Requested information on Roof - see attached document entitled USPS Berkley Main Office, CA AIM
- f. Requested Phase 1 Report(s) – see Attached Environmental report (461 pages)
- g. Requested historical information / reports – see attached reports (158 pages)
- h. Requested Reports/Analyses per CEQA / NEPA – see attached PS Form 8194 (3 pages)  
Also see attached "Review of Internal Report Docs..." (2 pages)

After a search of various potential sources for responsive information, the Postal Service has now provided you with all of the responsive documentation that the Postal Service has within its files. No available documents were withheld on the basis of any exemption.



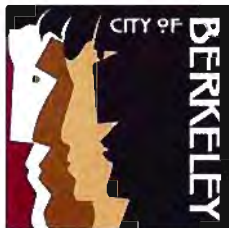
The Postal Service does not consider this a denial of your request in that no records are being withheld. However, should you disagree, you have the right to appeal any of the items denied to your request in writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning the denial, the reasons why it is believed to be erroneous, and the relief sought, along with copies of your original request, this letter of denial, and any other related correspondence.

Sincerely,

*Jim Allen*

Jim Allen  
Program Analyst  
Facilities Headquarters

Enclosures  
cc: HQ Records.



May 2, 2013

Contact: Nils Moe 510-981-7100

Office of the Mayor  
*Immediate Release*  
*Press Advisory*

## **Berkeley Mayor Bates, Senator Hancock and Assemblymember Skinner Call for Halt of Sales of Historic Post Offices across Country**

*Press conference planned for 10:00 a.m. on Friday to call for moratorium on all sales of historic post offices across the country*

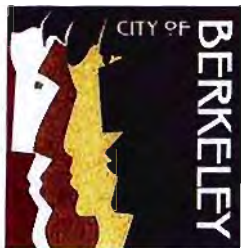
Berkeley, CA – Berkeley Mayor Tom Bates, Senator Loní Hancock, Assemblymember Nancy Skinner and Members of the Berkeley City Council will hold a press conference at Berkeley's Main Post Office on Friday, May 3rd at 10am to sign a joint letter appealing the sale of Berkeley's historic post office as well as call for a moratorium on the sale of all historic post offices across the country.

A number of initiatives are currently underway to try and save the Postal Service. One example is U.S. Senator Bernie Sanders' (I-Vt) Postal Service Protection Act of 2013. Senate Bill 316 makes common sense recommendations to assist the Postal Service, including a crucial change in how the service is required to fund future benefits.

At the press conference, city and state leaders will sign onto and mail a letter formally appealing the U.S. Postal Service's intent to sell Berkeley's historic downtown post office. Leaders will also call for a moratorium on the sale of all historic post offices in light of initiatives underway like Senate Bill 316.

- What:** Berkeley Mayor Bates, Senator Hancock and Assemblymember Skinner Call for Halt of Sales of Historic Post Offices across Country. An appeal letter will be postmarked and mailed immediately following the press conference.
- Where:** Berkeley Main Post Office  
2000 Alston Way (at Milvia Street), Berkeley, CA
- When:** Friday, May 3<sup>rd</sup> at 10:00 a.m.
- On Site Contact:** Nils Moe 510-910-6594 (cell)

For more information contact: Nils Moe 510-981-7105 (O), 510-910-6594 (C)



Office of the Mayor

Tom Bates  
Mayor

April 30, 2013

Vice President of Facilities  
Facilities Implementation – Pacific Area  
1300 Evans Avenue, Suite 200  
San Francisco, CA 94188-0200

**Re: Formal appeal of decision to sell the Berkeley Main Post Office located at 2000 Allston Way, Berkeley, CA 94704 and the relocation of retail services.**

Dear Sir or Madam,

Please accept this letter as formal appeal of the United States Postal Service's (USPS) decision to sell the Berkeley Main Post Office located at 2000 Allston Way, Berkeley and the relocation of retail services currently available at the site.

The Berkeley City Council strongly opposes and objects to the sale of the Downtown Berkeley Post Office. We are disappointed to learn that USPS has decided to move forward with the sale of this historic building despite the overwhelming public opposition to the sale, as evidenced by the hundreds of community members that testified in person and via written correspondence.

On March 5, 2013 the Berkeley City Council adopted a resolution opposing the sale of the Berkeley Main Post Office. In it, the City Council requested USPS to suspend efforts to sell the building for one year, so that the City of Berkeley and USPS could work together to find a solution with the goal of continuing USPS ownership of the building. Since that time, USPS has not reached out to find an alternate solution that would not put the historic building up for sale. Instead, USPS unilaterally announced the sale and the relocation of retail services without taking into consideration the requests made by the Berkeley City Council.

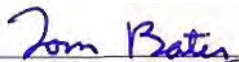
The Berkeley Main Post Office is on the National Historic Register of Places. It is the anchor of the Berkeley Civic Center Historic District, which is comprised of Berkeley's landmarked Old City Hall, Farm Credit Building, Veterans' Memorial Building, Berkeley Central Public Library, Berkeley High School, Community and Little Theater, YMCA, Armstrong College, the Elks Club and Civic Center Park. To privatize the Berkeley Main Post Office is an attack on the historic fabric of our City's center and the Berkeley City Council continues to be united and passionate in its opposition to the sale of this property.

Berkeley's Main Post Office sits at the heart of our civic center and our city. To privatize this much loved landmark will diminish all that we have done to improve the downtown. It will also deprive citizens of their right to view the incomparable WPA murals, created with public funds and owned by all of us.

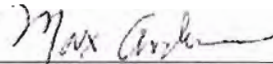
Our question to you is: What does it take for you not to sell this beautiful public building?

Please reconsider the sale and work with the City and the people of Berkeley to save our heritage and keep the Post Office in public hands. We are also requesting that the City be informed of when our appeal will be heard so we can be present for the deliberations.

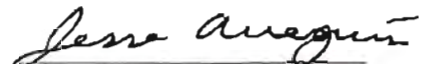
Sincerely,



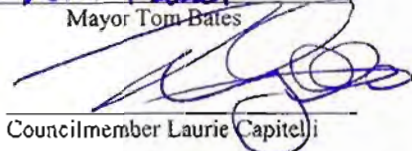
Mayor Tom Bates



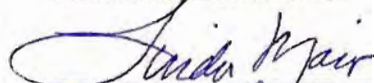
Councilmember Max Anderson



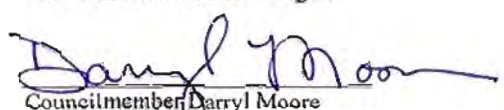
Councilmember Jesse Arreguin



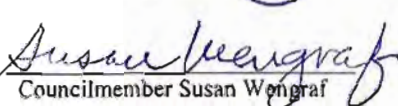
Councilmember Laurie Capitelli



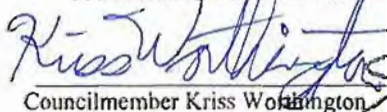
Councilmember Linda Maio



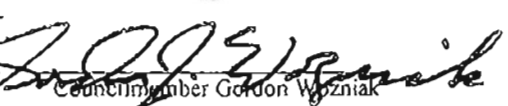
Councilmember Darryl Moore



Councilmember Susan Wengraf



Councilmember Kriss Worthington



Councilmember Gordon Wozniak

Cc: Patrick Donahoe, Postmaster General and Chief Executive Officer

Diana Alvarado, Real Estate, Facilities Implementation, USPS Pacific Region.

The Honorable Ander Crenshaw, Chairman Committee on Appropriations, Subcommittee on Financial Services and General Government

The Honorable Elijah E. Cummings, Ranking Minority Member, House Committee on Oversight and Government Reform.

The Honorable Tom Carper, Chairman, Senate Committee on Homeland Security and Governmental Affairs.

The Honorable Barbara Lee, United States Congress, CD 13

The Honorable Jackie Speier, United States Congress, CD 14

The Honorable Eric Swalwell, United States Congress, CD 15

The Honorable George Miller, United States Congress, CD 11

The Honorable Dianne Feinstein, United States Senate

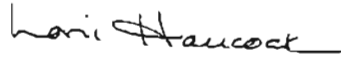
The Honorable Barbara Boxer, United States Senate

\*\* Please see the attached addendum for local elected officials in support of the City of Berkeley's appeal.



## Addendum

The following local elected leaders are in support of the City of Berkeley's appeal of the USPS decision to sell the Berkeley Main Post Office.



Senator Loni Hancock  
California State Senate



Assemblymember Nancy Skinner  
California State Assembly



Supervisor Keith Carson  
Alameda County Supervisor

RESOLUTION NO. 66,025-N.S.

OPPOSING THE SALE OF THE BERKELEY MAIN POST OFFICE

WHEREAS, the United States Postal Service (USPS) has announced the possible sale of Berkeley's historic and heavily used Main Post Office located at 2000 Allston Way; and

WHEREAS, the Berkeley Main Post Office is both an official landmark of the City of Berkeley and is also listed on the National Register of Historic Places; and

WHEREAS, on July 31, 2012 the City Council created the Post Office Subcommittee; and

WHEREAS, USPS will be holding a public meeting on February 26, 2013 to explain the proposal and hear comments from the public; and

WHEREAS, USPS has a 15 day written public comment period that will expire on March 13, 2013 and the City Council wishes to submit this resolution before the public comment period ends; and

WHEREAS, on February 12, 2013 the Post Office Subcommittee held a public meeting where members of the community had the opportunity to address their concerns regarding the possible sale of the Berkeley Main Post Office.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley formally opposes the sale of the Historic Berkeley Main Post Office building and requests that the United States Postal Service maintain existing services at the Berkeley Main Post Office.

BE IT FURTHER RESOLVED that the USPS suspend, for one year, efforts to sell the Berkeley Main Post Office building and work with the City of Berkeley with the goal of continuing the USPS's ownership of the building, and the leasing of the rear portion of the building to provide an ongoing income stream to the USPS.

BE IT FURTHER RESOLVED that the City of Berkeley requests that USPS immediately impose a moratorium on all sales of Post Office buildings nationwide.

BE IT FURTHER RESOLVED that the City of Berkeley will request that its federal representatives hold hearings on the requirement that the USPS pre-fund its pension obligations.

BE IT FURTHER RESOLVED that the City of Berkeley shall reach out to other cities affected by the sale of postal facilities to develop a collective response.

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to the USPS, Congress members Lee and Speier, Senators Feinstein and Boxer and President Obama prior to the expiration of the public comment period which ends on March 13, 2013.

The foregoing Resolution was adopted by the Berkeley City Council on March 5, 2013 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Bates.

Noes: None.

Absent: Worthington.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Mark Numairville, CMC, City Clerk

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

May 2, 2013

Vice President of Facilities  
Facilities Implementation—Pacific Area  
United States Postal Service  
1300 Evans Ave., Ste. 200  
San Francisco, CA 94188-8200

Dear Sir or Madam:

We are writing to formally join the City of Berkeley's appeal of the United States Postal Service's (USPS) decision to sell its historic Main Post office at 2000 Allston Way, in Berkeley.

Built in 1914, the Allston Way Post Office has many significant historical features, including 2 WPA murals, a designation as a City of Berkeley Landmark (1980), a listing on the National Register of Historic Places (1980), and a listing on the National Register as a significant contributor to Berkeley's Civic Center Historic District (1998).

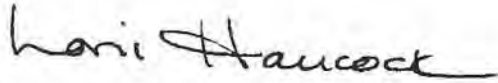
It is our understanding that the sale of federal property to a non-federal entity is considered an adverse effect under Section 106 of the National Historic Preservation Act. That process is overseen by California's State Historic Preservation (SHP) Office and requires consultation with SHP and, if a proposed project may have an adverse effect on a historic property, a consideration of alternatives and/or mitigation measures that could lessen that adverse effect.

We are deeply disappointed and concerned about USPS unilaterally making a decision to move forward with the sale despite the City of Berkeley's requests to suspend efforts for one year to allow the City and USPS to work together to find an alternative solution that would put this historic building up for sale and close down a post office that serves over 100,000 people a year at its central downtown location, less than one block from one of the Bay Area's major transit hubs.


In light of the legislation pending in Congress, S. 316 by Senator Bernie Sanders and H.R. 630 by Representative Peter DeFazio, there should be a moratorium placed on the sale of all historic post offices. The legislation would remove costly burdens currently placed on the Postal Service and allow for a more thorough review of the proposed property sales.

We firmly believe that the closure of Berkeley's Main Post Office and sale of the building would have an adverse effect on the current residents of Berkeley and put at risk a significant historic asset. In addition, serious questions have been raised about whether the proposed sales of any post offices are necessary or appropriate. Therefore, we strongly urge you to reconsider the sale and work with the City of Berkeley to keep the building open as a post office and not sell this historic treasure of national and local significance to the People of Berkeley.

Respectfully,



LONI HANCOCK  
California State Senator (SD 09)



NANCY SKINNER  
California State Assemblymember (AD 15)





# Senate Joint Resolution No.12

## RESOLUTION CHAPTER 37

### Introduced by Senator Hancock

(Principal coauthor: Assembly Member Skinner)

Senate Joint Resolution No. 12—Relative to the sale of the Berkeley, California, Main Post Office.

[Filed with Secretary of State May 21, 2013]  
LEGISLATIVE COUNSEL'S DIGEST

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SJR 12, Hancock. Berkeley, California Main Post Office.

This measure would urge the United States Postal Service to rescind its decision to sell the Berkeley, California, Main Post Office:

**WHEREAS**, The Berkeley Main Post Office, located at 2000 Allston Way in Berkeley, California, was built in 1914, and has many significant historical features, including two Works Progress Administration (WPA) murals; and

**WHEREAS**, The Berkeley Main Post Office was designated as a City of Berkeley Landmark in 1980; and

**WHEREAS**, The Berkeley Main Post Office was listed on the National Register of Historic Places in 1980, and was listed on the National Register as a significant contributor to Berkeley's Civic Center Historic District in 1998; and

**WHEREAS**, The Berkeley Main Post Office serves over 100,000 people a year at its central downtown location, less than one block from one of the Bay Area's major transit hubs; and

**WHEREAS**, The sale of the Berkeley Main Post Office would have an adverse effect on the current residents of Berkeley, and would put at risk a significant historic asset; and

**WHEREAS**, The proposed sale of the Berkeley Main Post Office has been met with overwhelming public opposition; and

**WHEREAS**, The Berkeley City Council has adopted a resolution opposing the sale of the Berkeley Main Post Office; and

**WHEREAS**, Hundreds of community members voiced their opposition to the sale at a public hearing; now, therefore, be it

***Resolved, by the Senate and the Assembly of the State of California, jointly,*** That the Senate and the Assembly urge the United States Postal Service to rescind its decision to sell the Berkeley Main Post Office; and be it further

***Resolved***, That the Secretary of the Senate transmit copies of this resolution to the Postmaster General and Chief Executive Officer and the Postal Regulatory Commission and to the author for appropriate distribution.

**BARBARA LEE**

9TH DISTRICT, CALIFORNIA

COMMITTEE ON  
APPROPRIATIONS

Subcommittee on  
Labor, Health and Human Services,  
Education, and Related Agencies

Subcommittee on  
Financial Services and General Government



**Congress of the United States  
House of Representatives  
Washington, D.C. 20515-0509**

REPLY TO OFFICE CHECKED

WASHINGTON OFFICE  
2267 RAYBURN H.O.B.  
WASHINGTON, D.C. 20515  
Phone: (202) 225-2661  
Fax: (202) 225-9817

DISTRICT OFFICE  
1301 CLAY STREET, SUITE 1000N  
OAKLAND, CA 94612  
Phone: (510) 763-0370  
Fax: (510) 763-6538

website: lee.house.gov

April 23, 2013

Vice President, Facilities  
Attn: Diana Alvarado  
Facilities Implementation – Pacific Area  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-0200

Dear Ms. Alvarado,

Please accept this letter as a formal appeal to the United States Postal Service's (USPS) decision to move forward with the approved sale and relocation of the Berkeley Main Post Office (P.O.) Thank you in advance for including this letter in your formal record of appeal.

Over the last year, my staff and I have worked diligently with the City of Berkeley and community stakeholders to convince USPS of the importance of this historic landmark and the necessity of its use as a community post office, by tradition and design. I have previously voiced my strong opposition to the sale through all official channels, including to your facilities department, USPS government affairs, Postmaster General Patrick Donahoe, and Deputy Post Master General Ronald Stroman. My constituents have also spent a great deal of time and energy trying to protect this 99-year-old institution, as detailed in a March 7, 2013 front-page article in the *New York Times*.

Since 2010, California's 13<sup>th</sup> Congressional District (formerly the Ninth) has seen the closure of at least three central post office locations (Oakland City Kaiser Center, Berkeley Park, Oakland Station B). The additional loss of the downtown Berkeley P.O. will be felt throughout my District by seniors, persons with limited mobility, and all who seek to preserve this beloved property for public use. As you are aware, the entire building is an architectural landmark that has been recognized on the National Register of Historic Places. This is a post office that really symbolizes Berkeley's arrival into the modern, New Deal era, and which contains an important Works Progress-Administration-commissioned mural—which should be available at all times for public viewing.

I would also like to strongly emphasize that this building was constructed at a time when the Postal Service was directly funded through taxpayer dollars and was designed specifically to be a post office. It would not be serving its true and original purpose if it was something other than a post office. Relocation is not a suitable option for my constituents, and I wholly agree with them and support their concerns.

This appeal has the broad support of local elected leaders, USPS employees, and community members who have contacted my office to express their solidarity with this request. Therefore, I urge USPS to reverse its decision to close and relocate the Berkeley Main Post Office and to halt any impending sale of the building. Thank you for your attention to this important matter. I look forward to your response.

Sincerely,

Barbara Lee  
Member of Congress

## **National Post Office Collaborate**

P.O. Box 1234, Berkeley Main Post Office  
Berkeley, California 94701

November 19, 2012

Diana Alvarado  
Facilities Implementation - Pacific Area  
U. S. Postal Service (USPS)  
1300 Evans Avenue, Suite 200  
San Francisco, California 94188-8200

Re: National Environmental Policy Act (NEPA) Inquiry

Dear Ms. Alvarado:

The growing concern in the Berkeley community regarding the potential sale of the Berkeley Main Post Office (Oscar Wenderoth, 1914, listed on the National Register of Historic Places) raises important questions regarding the USPS responsibility to be compliant with NEPA. The USPS has contracted with a private real estate corporation, CBRE, to negotiate sales and leases of post offices across the country. The NEPA process is required to begin when a federal agency develops a proposal to take an action that may have significant detrimental impacts to the public interest and the environment.

At this time we ask, who is the designated representative of the USPS that is responsible for compliance with NEPA? When will the NEPA process begin with respect to the potential sale of the Berkeley Main Post Office?

Thank you for your attention given to this important matter. We eagerly await your reply.

Sincerely,

Gray Brechin, PhD



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*

September 28, 2012

Ms. Diana K. Alvarado  
Manager, Property Management  
Pacific Facilities Services Office  
United States Postal Service  
1300 Evans Avenue, Suite 200  
San Francisco, CA 94188

Re: Berkeley Post Office Relocation

Dear Ms. Alvarado:

The National Trust for Historic Preservation is deeply concerned about the proposed relocation of the Berkeley Main Post Office in Berkeley, California, and its potential effects on the historic building, including two noteworthy WPA murals located in the interior lobby. We are particularly alarmed by the recently stated intention of the U.S. Postal Service (USPS) to make a formal decision on whether to relocate the Berkeley Post Office pursuant to its internal regulatory process prior to initiating consultation under Section 106 of the National Historic Preservation Act (NHPA).

We believe it would be wholly inconsistent with the spirit and intent of the NHPA if the USPS were to make the consequential decision to sell a historic building to the highest bidder prior to initiating Section 106 consultation. Specifically, the Section 106 regulations instruct that federal agencies, including the USPS, may not take planning actions that “restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties” prior to completing Section 106 review. See 36 C.F.R. § 800.1(c). A formal decision to relocate operations from the historic facility would preclude viable preservation alternatives. As such, we believe the USPS would be in violation of Section 106 by postponing Section 106 review until after making a commitment to a formal relocation decision.

By means of this correspondence the National Trust formally submits our request to participate in the review process for the Berkeley Post Office as a “consulting party” under Section 106 of the NHPA, pursuant to 36 C.F.R. §§ 800.2(c)(5) and 800.3(f)(3).

### **Interests of the National Trust**

On June 6, 2012 the National Trust for Historic Preservation listed America’s Historic Post Office Buildings on its annual list of America’s 11 Most Endangered Places. As the USPS seeks to cut its operational costs in response to broad economic trends, the National Trust has committed to direct engagement and advocacy to ensure that more of the nation’s architectural gems and public works projects owned or leased by USPS will be protected for future generations. It is critical that the USPS follow a proper process in compliance with the NHPA to ensure that the public’s voice is heard prior to disposing of



its unique historic assets, which have served for generations as great repositories of our Nation's architecture, arts, and culture.

### **Historic Significance of the Berkeley Main Post Office**

The Berkeley Main Post Office at 2000 Allston Way was built in 1915 and is listed on the National Register of Historic Places as a contributing structure in the Berkeley Civic Center Historic District. It is a two-story building designed in the Italian Renaissance style by Oscar Wenderoth, who served as director of the federal Office of the Supervising Architect. Its appearance is essentially unaltered since it was built, with the exception of a rear addition for mail sorting, and the addition of WPA murals from 1936 and 1937 by Suzanne Scheuer and David Slivka. The murals include a finely painted allegory of Berkeley's history and a bas-relief commemorating the contributions of postal workers. More detailed information on the history and significance of the Berkeley Main Post Office can be found in Exhibit A.

### **Factual Background**

On September 13, 2012, National Trust staff attended a public meeting at Berkeley City Hall hosted by the Post Office Subcommittee of the Berkeley City Council. Diana Alvarado, property manager for Pacific Facilities Services Area and Gus Ruiz, Corporate Communications Manager for Bay-Valley District, gave a presentation on behalf of USPS and addressed questions from a panel of three City of Berkeley Council members, including Mayor Tom Bates.<sup>1</sup>

The representatives described a very detailed plan for relocation at the meeting. USPS clearly indicated its interest in selling Berkeley's historic Main Post Office. It would locate a new customer service facility nearby and transfer carrier operations to the existing delivery unit outside of the city center.

The USPS representatives also claimed that the public meeting satisfied a critical internal regulatory obligation under 39 C.F.R. § 241.4. Under this regulation, when considering the relocation of a customer service facility, the USPS must follow a specific process prior to making its final decision. The agency must accept public comment for a minimum of 15 days following a meeting noticed in accordance with the provisions of the regulation.<sup>2</sup>

The "purpose" of this internal process, as outlined in USPS regulations, is to

<sup>1</sup> The City of Berkeley has made the presentation publically available at [http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level\\_3\\_-\\_General/PO%20Subcommittee%20Communications%2009-13-12.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3_-_General/PO%20Subcommittee%20Communications%2009-13-12.pdf)

<sup>2</sup> At the meeting USPS representatives indicated that they sufficiently notified the affected community by placing paper notices in the mailboxes of those who rent P.O. Boxes at the Berkeley Post Office. However, the USPS representatives conceded that they had not followed the proper notification requirements, after an audience member indicated that an incorrect address for the public meeting was listed on those notices. As such, we anticipate that another public meeting will take place in the near future, and that the 15-day timeline for public comments has not yet commenced.

assure increased opportunities for members of the communities who may be affected by certain USPS facility projects, along with local officials, to convey their views concerning the contemplated project and have them considered prior to any final decision to ... relocate.

39 C.F.R. § 241.4(b).

The full text of the regulation indicates a strong focus on community involvement in the relocation decision. Among USPS' obligations are to "solicit and consider input from the affected community," *id.* § 241.4(c)(1)(i), and at "one or more public hearings ... invite questions, solicit written comment, and describe the process by which community input will be considered." *Id.* § 241.4(c)(4)(ii). The regulations also require that the final decision on relocation "takes into account community input." *Id.* § 241.4(c)(5).

Critically, the regulations also indicate that any project that will have an effect on cultural resources will be undertaken in accordance with Board of Governors Resolution No. 82-7, which states that the USPS will comply with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, Executive Order 12072, and Executive Order 13006. 39 C.F.R. § 241.1(d)(1).

### **The USPS Has Failed to Comply with Section 106 of the NHPA**

As stated above, we are particularly concerned that the USPS has not properly coordinated its internal regulatory review process for the relocation of post offices with the agency's legal obligations under Section 106 of the NHPA. In a conversation with California Office of Historic Preservation (SHPO) staff on September 18, 2012, we learned that Section 106 consultation has not yet been initiated, despite the stated intent to initiate relocation procedures in a letter to the Berkeley Mayor in June.<sup>3</sup> Much like the intent of the USPS regulations as outlined above, Section 106 requires agency officials to seek the views of the public and interested parties prior to making any consequential decision that could adversely affect a historic property. 36 C.F.R. § 800.3(e)-(f).

***The Relocation of the Post Office Function has a Potential Adverse Effect on the Historic Berkeley Main Post Office Building, and Requires Prior Compliance with Section 106.*** First, the USPS refuses to comply with Section 106 prior to making decisions to move the post office function out of a historic post office building, apparently based on the false assumption that this federal action has no potential to affect historic properties. This assumption is inconsistent with the Section 106 regulations, which clearly state that a "[c]hange of the character of the property's use . . . that contribute[s] to its historic significance" is an adverse effect. *Id.* § 800.5(a)(2)(iv) (emphasis added). When a historic building was designed specifically for use as a post office, and says "POST OFFICE" on the front, and has been used as a post office since its construction, as is the case in Berkeley, the "[c]hange of the character of the property's use" that is the direct result of the relocation decision by the USPS clearly has the potential to adversely affect the historic property, and requires compliance with Section 106, "*prior to*" the agency's action. 16 U.S.C. § 470f.

<sup>3</sup> Even though the USPS claims that this letter forms the basis of its outreach to local government, it has not been made publically accessible.

***The USPS Has Unlawfully Restricted the Consideration of Alternatives to Avoid, Minimize, and Mitigate Harm to the Berkeley Post Office.*** The Section 106 regulations also state that “[t]he agency official shall ensure that the section 106 process is initiated early in the undertaking’s planning so that a broad range of alternatives may be considered during the planning process for the undertaking.” 36 C.F.R. § 800.1(c).

***The Transfer or Sale of a Historic Post Office Building Subject to a Preservation Covenant—But Without a Third Party Able to Monitor and Enforce Compliance With the Covenant—Results in an Adverse Effect on the Historic Property.*** The USPS has generally attempted to rely on the placement of historic covenants on buildings in order to avoid adverse effects. In California, however, the SHPO has not been willing to agree with the USPS assumption that a piece of paper stapled to the back of a deed will automatically avoid adverse effects, because the SHPO lacks the staff to ensure that all USPS covenants in California can be effectively monitored and enforced. The USPS’ reliance on the creation of a covenant without a covenant holder has been strongly criticized by preservation professionals within the California SHPO office and the Advisory Council on Historic Preservation, and has been rejected by both agencies as a strategy to avoid adverse effects. At this stage it is unclear whether there is an entity that would be willing to take on such an obligation in Berkeley, particularly since the USPS has been unwilling to provide any funding for the management and administration of such an obligation.

The Section 106 regulations clearly establish that the “[t]ransfer, lease, or sale of property out of Federal ownership or control *without adequate and legally enforceable restrictions or conditions to ensure long-term preservation* of the property’s historic significance” constitutes an adverse effect on a historic property under Section 106. 36 C.F.R. § 800.5(a)(2)(vii) (emphasis added). A preservation covenant without anyone in the role of “ensuring” its enforcement simply does not satisfy this requirement.

### **Other Federal Laws Discourage Federal Agencies from Moving Operations out of Historic Buildings**

On a broader level, we are concerned that the USPS has been deciding to transfer its operations from historic buildings at a rate disproportionate to non-historic buildings. This is a critical concern as it is far preferable to have buildings designed for public use remain publically accessible. The disproportionate emphasis on transferring historic buildings is heavily discouraged by two key Executive Orders by which USPS has committed to comply with in Board Resolution 82-7:

**Executive Order 12072**, issued in 1978, states that “Federal space shall conserve existing urban resources.” Section 1-101. Further, it indicates that “[p]rocedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.” Section 1.102. In conducting processes to meet federal space needs “[a]gencies must consider the “utilization of human, natural, cultural, and community resources.” Section 1-104(c). The agency is required to consider

“[u]tilization of buildings of historic, architectural, or cultural significance” and “[o]pportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.” Section 1-105(b),(e).

**Executive Order 13006**, issued in 1996, directs federal agencies not only to locate their operations in established downtowns, but to give first consideration to locating in historic properties within historic districts (See 61 Fed. Reg. 26,071 (May 24, 1996).) The order requires the federal government to “utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas.” It also directs federal agencies to give “first consideration” to historic buildings when “operationally appropriate and economically prudent.” The order was codified into law as an amendment to the NHPA on May 26, 2000. See Pub. Law No. 106-208 (Section 4) (amending 16 U.S.C. § 470h-2(a)(1)).

### **The USPS Has Failed to Comply With Section 111 of the NHPA**

Prior to making a formal decision on the sale of the historic Berkeley Main Post Office, the USPS must take seriously its obligations to consider options to lease the facility rather than sell it outright. Section 111 of the National Historic Preservation Act states that

any Federal agency ... shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

16 U.S.C. § 470h-3(a).

Recently a federal district court in Washington State concluded that the Federal Reserve Bank of San Francisco failed to comply with Section 111 by authorizing the sale of a historic federal building without considering adaptive use, lease, or exchange. The court stated that “[t]he congressional directive to at least consider, if not implement, adaptive use or lease strategies to protect historic properties is clear ... and the failure to do so would constitute a violation of NHPA.” *Comm. for Preservation of the Seattle Federal Reserve Bank Bldg. v. Fed. Reserve Bank of San Francisco*, 2010 U.S. Dist. LEXIS 26084 at 19 (W.D. Wash. Mar. 19, 2010). The USPS must comply with its legal obligations under Section 110 of the NHPA prior to proceeding down a path that would commit the agency to an outright transfer of a historic property out of federal control.

### **Conclusion**

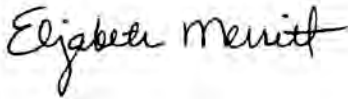
Thank you for the opportunity to comment on this issue. We request that these comments be considered part of the record both for the USPS’ internal regulatory process as well as for Section 106 of the NHPA.

Sincerely,





Brian R. Turner  
Senior Field Officer/Attorney  
CA State Bar #251687



Elizabeth S. Merritt  
Deputy General Counsel

Exhibit A – National Register nomination for Berkeley Main Post Office, June 24, 1980

cc: Ujwala Tamaskar, USPS Pacific Facilities Services Office  
Dallan C. Wordekemper, Federal Preservation Officer, USPS  
Sharon Freiman, Attorney, Procurement & Property Law, USPS  
Caroline Hall & Reid Nelson, ACHP  
Tristan Tozer & Jenan Saunders, CA Office of Historic Preservation  
Cindy Heitzman, California Preservation Foundation  
Anthony Bruce, Berkeley Architectural Heritage Association  
Gray Brechin, California's Living New Deal Project  
Antonio Rossmann, Rossmann & Moore, LLP



## 7. Description

Condition	Check one	Check one
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input checked="" type="checkbox"/> original site
<input type="checkbox"/> good	<input checked="" type="checkbox"/> ruins	<input type="checkbox"/> moved
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed	<input type="checkbox"/> date

### Describe the present and original (if known) physical appearance

The Berkeley Post Office is located one block west of Shattuck Avenue (main business street) on the west half of the block bounded by Allston & Harold Ways & Kittredge & Milvia Streets. The main facade is on Allston Way, where the adjacent corners are occupied by the YMCA, city office building (formerly Farm Credit), & Berkeley High School. The front section of the Post Office (130' frontage x 62' deep; 34' high) is 2 stories plus basement, with a hipped red tile roof; this houses the customer lobby, offices, & part of the work area. Behind this the work area extends another 162' south along Milvia St. in a flat-roofed, 1-story & basement building using the same wall & cornice & window motifs as the facade, even on the sides facing the driveway & loading dock. The northernmost 35' of this section is original; the southward extension, perfectly matched, was added in 1931-2. Construction of the whole is reinforced concrete.

Exterior finish is as described when the building opened: "Bedford, Indiana, limestone has been used up to the watertable line with granite steps; the walls above are of cement stucco with terra cotta trimmings having a sanded-cream finish, used for the first time on the Pacific coast. Kasota marble columns support the vaulted arches over the main entrance loggia" (Arch. & Eng., Oct. 1915; early pictures show the columns dark, apparently red, but they are now the same sand color as the terra cotta). The arches, wide overhanging red tile roof, & classical details are common to 1910s post offices all over the country in the style sometimes called Second Renaissance Revival: the Berkeley post office has been described as "a free adaptation of Brunelleschi's Foundling Hospital." The main feature of the Allston Way facade is an arcade of 11 high round arches on plain Tuscan columns, which runs the whole length of the main floor in front of a loggia about 10' deep. The arches are outlined in terra cotta, & a wide terra cotta belt course, with dentile, swags, medallions, & wave patterns, runs immediately below the 11 plain rectangular second-story windows & around the whole building, thus becoming the cornice ornamentation of the 1-story rear section. A smaller terra cotta frieze, with other classical motifs, tops the second story just below the eaves. The end sections of the facade, & also of the side walls, are heavily rusticated with cast blocks simulating stone. Each of these rusticated sections is topped with a terra cotta shield, & the very corners of the building are rounded & slightly set back between the sections of rustication. The roof is hipped, red tile over wood sheathing, & has a wide overhang with 2 rows of curved wooden brackets framing rectangular panels. This cornice coffer was painted in 1979 in brown (brackets), blue & orange (panels), & sand (edges), at the same time that the whole exterior was cleaned & repainted in shades of beige & yellow & sand to highlight its details.

The whole building stands on a partly raised basement, with fair-sized windows on the west side where the grade is lower. Cornerstone is at north end of west side: "William G. McAdoo Secretary of the Treasury, Oscar Wenderoth Supervising Architect, 1914"; flagpole at NE corner. Across the front, granite steps rise from the sidewalk to the middle 5 archways of the loggia—7 steps at the east end, 10 at the west. Basement has 2 small windows with metal grilles at each end of the steps. The end arches have elaborate wrought iron railings, with heraldic shields & a diagonal rope pattern. The loggia has floor & baseboards of gray marble. Its inner wall—the front wall of the lobby—repeats the 11 arches & plain capitals of the outer arcade, & the end walls are also arched, resulting in a cross-vaulted ceiling. On the east end wall is a relief sculpture of postal workers, about 3' square, with the signature "David Slivka, Dec. 1937" worked into the address of one piece of mail, & the inscription "From U.S. To All Mankind, Truth Abode, On Freedom Road" on another. The 4th, 6th, & 8th arches have paired oak & glass doors with brass fittings; the door frames have modified Corinthian capitals which are repeated inside the building. The other arches have low cement windowsills with wave decoration, double-hung windows with their panes grouped in 3 vertical divisions. All the arches are glazed to the top, with functioning transoms.

Inside the building the arcade is reflected yet again in the screenline wall between the lobby & the workrooms: the arches are again glazed, with the same arrangement of panes & transoms (these inside transoms are now painted or lined in white). It is as if the building was designed from the inside out, for the 3-part division of the windows, & the width of the arches themselves, turn out to fit around standard post office units of service windows & bulletin

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boards. A service window at the east end & the postmaster's office at the west occupy the space of the 1st & 11th outside arches, so the lobby is 9 arches across—about 75'. It is about 15' deep, with, of course, arches around the service window & postmaster's door at the ends.

Floor is flecked gray vinyl tile, apparently over mosaic (early photos show this, & there is still some mosaic at the second floor landing). The baseboard is dark gray marble, with a light gray marble wainscot or dado above. The walls & coffered ceiling are painted white (as they originally were); the capitals of all the columns & a band joining them have been painted dark brown, & the east end wall below capital level is orange. All the capitals inside the lobby are Corinthian—cast ceramic (?) ones on the columns between the doors & windows & between the service bays, & carved wood on the entrance vestibule & postmaster's door.

There is a finely crafted wood & glass enclosed vestibule at the center door—all 3 doors originally had them, standard post office equipment to protect employees against drafts through the service windows. The postmaster's office door is framed in carved wood similar to the vestibule, with a triangular dentilled pediment & "Postmaster" in gold incised letters. In the arch around the door is a mural of figures from the Spanish & pioneer period of Berkeley's history, painted in 1936-7 by Suzanne Schaefer for the Treasury Relief Art Project. The service window at the opposite end, like several of the others on the screenline wall, retains the original finely detailed wood framing, windows with brass grilles & feather-chip glass, curved ledges for the customer to write on. At some bays the middle space is occupied by a bulletin board with hinged glass front. Piecemeal but reasonably discreet alterations have installed metal rolldown shutters at the eastern 3 bays, & stamp machines in 2 others. One bay contains parcel & letter drops, with brass & wood doors. The bay nearest the west end is occupied by lock boxes—brass & glass, with fretwork edging, & petals around the keyhole.

The westernmost arch leads to a corridor at right angles to the lobby, with office doors & stairs along its west side & more lock boxes on the east, the newer combination-locked ones set into what was originally more bulletin board space (as shown by carved letters in the wood frame). The second floor is occupied by finance & personnel offices, & closed to the public by a modern security door. The stairs are again finely crafted, with white marble treads, oak handrails, & ornamental metal endpieces & railings. At the landing the floor is of small square mosaic tiles, white with black & red fretwork around the edge—apparently matching the original lobby floor.

## 8. Significance

Period	Area of Significance—Check and justify below			
— prehistoric	— archeology-prehistoric	— conservation	— landscape architecture	— religion
— 1400-1499	— archeology-historic	— economics	— law	— science
— 1500-1599	— agriculture	— education	— literature	— sculpture
— 1600-1699	<input checked="" type="checkbox"/> architecture	— engineering	— military	— social
— 1700-1799	<input checked="" type="checkbox"/> art	— exploration/settlement	— music	— humanitarian
— 1800-1899	<input checked="" type="checkbox"/> commerce	— industry	<input checked="" type="checkbox"/> philosophy	— theater
<input checked="" type="checkbox"/> 1900-	<input checked="" type="checkbox"/> communications	— invention	<input checked="" type="checkbox"/> politics/government	— transportation
			— other (specify)	

Specific dates 1914 Builder/Architect Oscar Wenderoth, Supervising Architect

### Statement of Significance (in one paragraph)

The Berkeley Post Office is a characteristic & well preserved product of the Treasury Department Supervising Architect's Office in the early part of this century, & embodies for the city of Berkeley the sense of mission which the government then put into its public building—buildings which will educate & develop the public taste & eventually elevate it to a higher plane" (Arch. & Eng., Oct. 1915). Outside & in, the building is conspicuous for fine & enduring materials. The lobby, particularly, is a civic treasure with its minimally altered marble, metal, & woodwork; especially since the 1908 City Hall was demoted to other uses, Berkeley has few if any comparable public spaces where citizens from all over the city come frequently & freely & can experience the quality workmanship & civic pride that used to be part of government building. (There is also a later history lesson, as well as an artistic experience, in the New Deal mural & sculpture added to the building in 1937.) The authorization of a post office building for Berkeley in 1910, & its completion in 1915, symbolized the city's coming of age, coinciding with a period of great economic & population growth & increasing political sophistication, Berkeley's Progressive charter & Socialist mayor reflecting the same quest for ideals rationalization & reform that are evident in the extensive discussions of public building policy on the national level at that time. Downtown Berkeley is still essentially the Main Street that developed in the 1910s & 20s, & the well-patronized post office is important in keeping it alive. Though never formally part of any of Berkeley's (unrealized) civic center schemes, the post office is one important member of a de facto civic center to the west of Shattuck Avenue.

The inscription on Suzanne Scheuer's mural summarizes Berkeley's history prior to its incorporation in 1878, from the first white men in 1770 to "First Post Office established in Dr. Merrill's drug store 1877." In typical pioneer small town fashion, Berkeley's postal service for the next few decades occupied a succession of stores & rented premises—first adjacent to the university, then the downtown Shattuck Avenue branch of Merrill's from 1887 (where the 2nd postmaster was Napoleon Bonaparte Byrne, former Missouri planter whose 1868 Italianate villa in north Berkeley, the city's oldest known house, is on the National Register & about to undergo restoration). As in similar power struggles over train routes & the location of the city hall, the Shattuck Avenue business district won out over both the University & West Berkeley as the economic & governmental center of town, & after 1887 the city's main post office was always within a block or so of Shattuck & Allston Way.

By the fiscal year 1905-6 Berkeley's post office was doing \$55,000 worth of business, & the city's rapid growth after the San Francisco earthquake helped it reach \$100,000 by 1908-9. In 1913-4 it was \$150,000: the amount necessary to qualify for a federally constructed post office building was at that time \$10,000. When Clarence Merrill—son of the druggist—became postmaster in 1907 he immediately began campaigning for a building for Berkeley. Postmasters & chambers of commerce all over the country vers of course doing the same, & in early 1910 the prognosis from Congress was "There are more than 200 public buildings that have been authorized, plans for which have not yet been touched by the Supervising Architect's office....it could take him until 1912 to prepare the plans...already authorized. Such being the case I doubt if any public buildings will be authorized at this session." However, by the end of the session Representative Knowland was able to report "I made a special plea for the city—citing its great growth, its postal receipts, & the important fact that it was the seat of the great State University....Of all the localities...Berkeley secured the biggest appropriation by \$30,000—a total of \$180,000 for building & site, authorized in the omnibus public buildings bill of June 25, 1910. As a federal office building it would also house forestry & game comm-

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missioners, internal revenue officials, & a civil service examination room. Search for "a lot in the center of the city" began at once; of several offers (including George Pape's planing mill, now one of the city's prized historic buildings), Washington settled on the southeast corner of Allston & Milvia, where the pioneer Woolsey family had an apple orchard for \$30,000.

True to the pessimistic reports from the Supervising Architect's office, plans were finally ready in July 1913. In April 1914 the contract was let, with 16 months to finish, & excavation was begun. The successful bidder as general contractor was Van Sant-Houghton Co., of San Francisco & Berkeley; the Robert Van Sants, Sr. & Jr., were well established in Berkeley with affluent residential work in the Claremont district, & worked on the 1915 Exposition in San Francisco. A week after groundbreaking, the postmaster & civic leaders were petitioning Washington to the effect that "substitution of surfaced brick for...cement in the outer part of the structure would be a decided improvement, & as there is sufficient money available....it is believed that the desire of the people of Berkeley for a first-class building will be granted"; reinforced concrete & stucco was still somewhat unproven where civic grandeur was at stake; they also intended that the bricks would be made in California.

On Sept. 29, 1915, the Gazette announced "New Post Office to be Opened Tomorrow." The clerks would carry their materials over to the new building after closing time, so business could not be interrupted a minute, "the same efficiency which has characterized it in the past will still be in evidence." The 1915 & 1916 Supervising Architect Reports reveal that the project came in \$15,000 under budget—even with 5½ years between authorization & completion. The new building was featured in a 6-page lead article in the Oct. 1915 Architect & Engineer: "The Berkeley Post Office—An Example of the New Public Building Policy," namely "to establish a national system of uniformity & business economy" & clean up the pork-barrel system where "buildings were constructed to fit whatever appropriation Congressmen were able to get for their towns....small villages often got costly & elaborate stone structures....& other localities...none at all."

This reform spirit was reflected in local Berkeley politics as well: in 1909 the city adopted a charter including such Progressive measures as nonpartisan ballot, initiative - referendum-recall, & the possibility of municipal ownership of utilities; in 1911 J. Stitt Wilson was elected mayor as a Socialist, & Clarence Merrill's appointment as postmaster was said to have been at the instigation of University president Benjamin Ide Wheeler & other "leading citizens who desired to check the machine politicians who sought the appointment of one of their number." Civic concerns which shared the pages of the Berkeley Gazette with the progress of the new post office included street lighting & widening, women's suffrage (1911), & a sanitation campaign "Starve the Fly". (As a different measure of the city's coming of age, a generation after incorporation, these years also saw frequent announcements of the deaths of pioneer Berkeleyans.)

Just 3 days before the post office contract was announced, Werner Hegemann's famous city plan for Berkeley & Oakland was submitted to the City Club that had commissioned it. Thus the new post office did not figure directly in Hegemann's sketches for City Beautiful civic centers to the east of the 1908 Beaux Arts city hall, but it adjoined the area Hegemann discussed & linked it with the business district—as well as being fully in harmony with the motto he took for his chapter on Civic Art & Civic Centers, "They shall be simple in their homes but splendid in their public ways." In fact Hegemann accurately foresaw the way Berkeley's civic center really has developed: after the large scale Beaux Arts sketches, he acknowledged that "Berkeley is very slow in acquiring land" so it was really a case of "possibility of gradually grouping all public buildings." Just how gradually & in what a variety of styles might have surprised him, but there is a coherent district of civic & semi-public buildings extending from the public library at Shattuck & Kittredge to the Health Dept. at Addison & McKinley, with the post office city hall, & city office building as main links in the chain. (see map next page)

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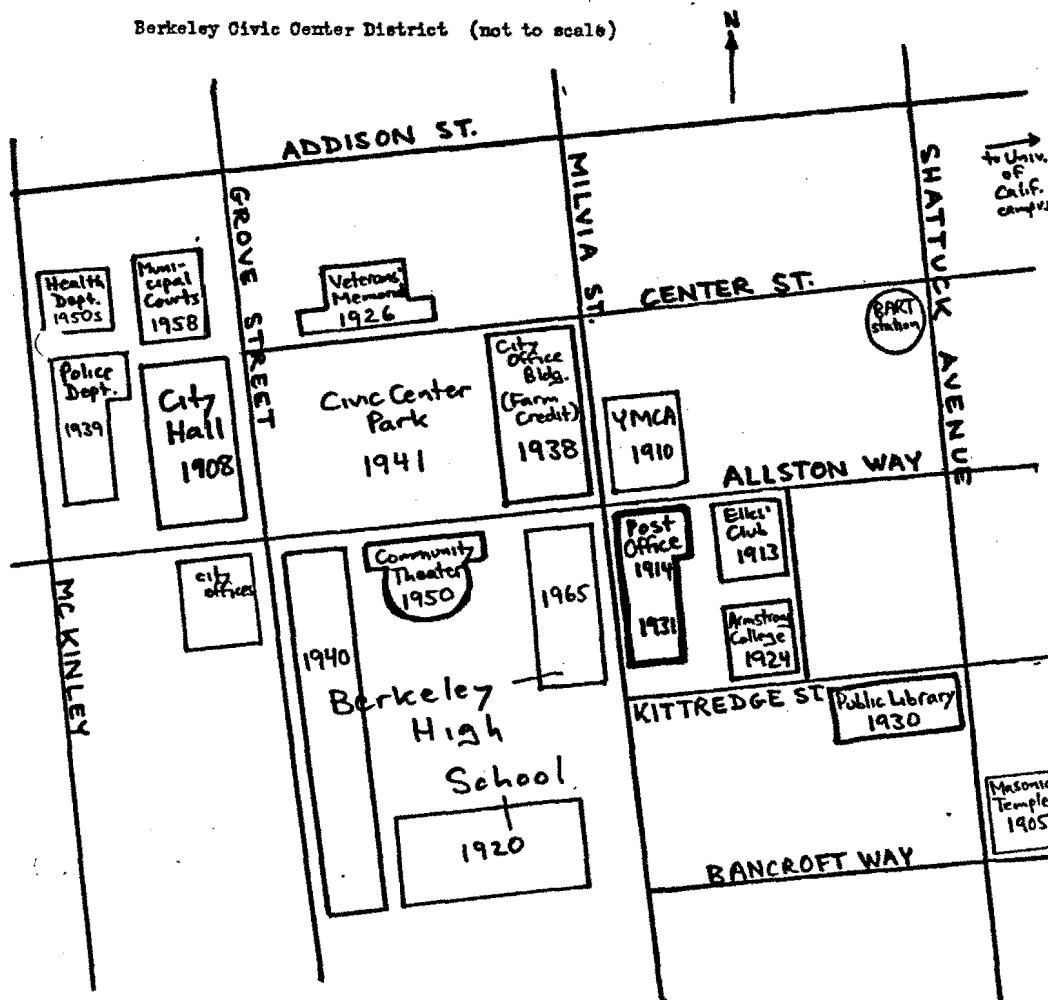
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Berkeley Civic Center District (not to scale)

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Within 15 years the Berkeley post office was doing \$500,000 worth of business a year, & feeling cramped; in January 1930 an annex was authorized (completed in time for Christmas 1932) which doubled the floor space & at about \$200,000 was "the largest government improvement ever made here." A few years later there followed some smaller but highly significant government improvements, a sculpture & mural commissioned by the Treasury Relief Art Project, both pieces representative of the style & subjects of the program, & well preserved examples of the sadly ephemeral New Deal art. The fresco around the Postmaster door, depicting life in Berkeley in the mission & land grant & early Yankee eras, was painted in 1936-7 by Suzanne Schaefer (b.1897) who had already painted the Newgatherer scene in Coit Tower on the Treasury's early Public Works of Art Project (1934) & did other murals in the post offices at Eastland & Caldwell, Texas. Complementing the nostalgic, regional/primitive local history of Schaefer's mural, the relief panel by David Slivka represents another dominant theme in New Deal art, pride in the American worker & democracy, with heroic postal workers forwarding a parcel "From U.S., to All Mankind, Truth Abode, On Freedom Road." Slivka (b.1913), a graduate of the California School of Fine Arts, also created sculptures for the 1939 Golden Gate Exposition & San Francisco public schools, & later worked in New York.

Despite the usual term "WPA mural", art work in post offices & other federal buildings was actually a separate set of programs under the Treasury Department, which had the construction & stewardship of public buildings from the early 19th century until WW II. The Treasury Section of Fine Arts & Treasury Relief Art Project operated parallel to the WPA Federal Art Project from 1935 to 1939, with different funding & procedures, & an attempt to cultivate the image that "the Treasury was after 'quality', while the WPA offered 'relief'." The TRAP produced some 89 murals & 65 sculpture projects throughout the country, mostly in post offices "old & new, without appropriations for decoration but possessing fine spaces...We chose buildings...in the vicinity of an available artist or group of artists"; the job would be awarded by competition or directly to an artist who had attracted notice in a previous Treasury competition. Budgets were usually around \$2000 to \$5000 per project. (O'Connor, New Deal Art Projects...Memoirs)

The Treasury favored subjects of "local history, pursuits, or landscape," or "the postal service...as a concrete link between every community of individuals & the federal government." Related was the preference for mural work as "relatively public & subject to scrutiny & criticism...a little less liable to charges of boondoggling than easel painting"; even so, epithets like "Pork Barrel Renaissance" (Mag. of Art, 3/58) flourished throughout the period, & finally helped close down the New Deal art programs & contributed to the low repute which allowed so many of the works to be lost & destroyed in so short a time. (Treasury works, being generally affixed to buildings, have fared marginally better; tales of WPA prints & easel paintings sold as scrap in government surplus wastebaskets are by now well known.)

In view of current interest in women artists, it is worth mentioning that Suzanne Schaefer's participation in the program was no rarity, at least in California where 1938 statistics showed 234 women out of 669 artists on relief, a higher percentage than any other state, & 5 out of the 14 California murals in the Treasury's publication Art in Federal Buildings...1934-6 were by women (in contrast to only another 5 women out of 111 more murals nationwide).

Post office buildings around the country were fitting locations for Depression art not just because they were available unadorned government property—they also shared a longtime sense of aesthetic mission to the country at large. Oscar Wenderoth's first Annual Report as Supervising Architect of the Treasury (1913) extolled the importance & responsibility of government buildings "in the smaller cities & towns; they are, generally, the most important of the local buildings...seen daily by thousands of persons who have but little opportunity to feel the influence of the great architectural works in the large cities, & their collective potentiality for aiding in the development of a national appreciation of the beautiful is

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great." Treasury Secretary McAdoo referred explicitly to the department's "mission of architectural education to every part of the country." The trouble was, of course, that the boundary was not always clear between this mission &—again McAdoo's words—"construction of many public buildings in small towns & localities where they are not needed...dictated by local reasons & without regard to the best interests of the Government." Increasing nationwide demand for federal buildings—especially post offices—led to the use of omnibus public buildings bills from 1902, authorizing many projects at a time instead of debating each one separately. The inevitable result was that public building in the 1910s was enmeshed in constant & many-sided controversy between the desire for dignified, enduring, uplifting federal outposts & charges of extravagance on "gimcracks & curly-cues of architecture"; between the wish to bring every citizen "a government building representative of the sovereignty & glory of this great country" & the suspicion that that was nothing but local pork-barrelling; between the Supervising Architect's Office's claim that it alone had the specialized expertise necessary for government building (& needed only additional staff to make up its 2-year backlog) & the feeling that competition from private architects might result in better & cheaper work.

There were congressional hearings on the Supervising Architect's Office & building expenditures in 1908, 1911, 1912, 1913, 1916, & a Public Buildings Commission (1913-4) whose general recommendation was "practical standardization of the plans for buildings" & "the adoption of a business policy more...like that of private builders." This was the new policy of which the Berkeley Post Office was hailed as an example: "a happy medium" between beauty & economy, standardization & locality. The authorization & design of the Berkeley Post Office of course predated the commission's recommendations—for the most part the policy reflected how post offices were already being constructed. There were outcries like that of the California State Mineralogist against the San Francisco post office in the Aug. 1910 Architect & Engineer, but even there the complaint was less against the lavish use of marble & onyx than that they had been brought halfway around the world when California quarries produced as good. Somewhat ironically, the reformers' proverbial stone structures in small villages were becoming a dead issue at just about this time anyway, as the spread of reinforced concrete construction lessened the inequality between classes of post office buildings.

Post Office & Supervising Architect rhetoric of the era, both before & after the commission, was consistently cost- & efficiency-conscious; the granite & marble & oak that look so rich today were chosen not just for local & national pride but for endurance—even under the new regulations marble was allowed in the lowliest post offices "where sanitary conditions demand." Detail after finely crafted detail turns out to have been standard utilitarian post office equipment—utility defined to include not just economy but the credo that "no Government office or place so thoroughly belongs to the people without distinction or reservation. The lobby is the principal point at which the postal service touches the people, & for that reason is deserving of particular attention." The glassed-in vestibules were prescribed to protect employees from drafts, covered bulletin boards for civil service & wanted posters, glass & grilled service windows to protect the negotiable paper in the standard post office pigeonholes on the other side of the screenline, & the tall windows above them on the principle that "It is desirable...that the operations in the workroom of the post office may be seen from the lobby...It is important that sympathetic & friendly relations be maintained between the personal representatives of the postal service & the patrons; & such relations will be promoted by giving the patrons the fullest opportunity to understand what is done in the post office." (this & previous quote from Daniel Roper, *The United States Post Office: Its Past Record, Present Condition, & Potential Relation to the New World Era, 1917*—a fine Progressive/Wilsonian title & date, in addition to this pre-echo of "open covenants openly arrived at")

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Berkeley CA

Even the ubiquitous arcades seem to owe nearly as much to the desire for light & visibility, & the standard 6'-wide service window units, as to Supervising Architect James Knox Taylor's 1901 decision "to adopt the classic style of architecture...in order that the public buildings of the United States may become distinctive in their character" (in contrast to the previous mixture of Second Empire, Gothic, & Richardsonian Romanesque).

The arcaded, tile-roofed Renaissance design of the Berkeley Post Office has echoes all over the country, some as early as 1898 (Akron, Ohio, & Pottsville, Pa., though with arches less numerous & more Romanesque), & into the late 1910s & 20s (Pasadena, St. Petersburg, San Bernardino). Most of its close counterparts date from the early 1910s, & reflecting both the great volume of construction in this period & its real architectural distinction, a large percentage of the post offices now listed in the National Register date from those years. The Berkeley building was authorized & probably partly designed during James Knox Taylor's term as Supervising Architect, cornerstoned under Oscar Wenderoth, & opened under James Wetmore. This raises the subject of the structure of the Supervising Architect's Office, & the attribution of an individual architect's name to any of these federally designed buildings.

In 1913 Oscar Wenderoth reported that his department had a Washington staff of 253—somewhat smaller than the Justice Department & larger than the State Department—and was completing about 75 buildings a year. The office was divided into technical & executive branches, each with an officer in charge; within the technical department, architectural work went on in the drafting division of some 50 draftsmen, whose superintendent was the usual liaison to the Post Office. Wenderoth, like almost every Supervising Architect before & after him, complained that the job was overwhelmed with administrative duties & "the Supervising Architect has no opportunity for original work." Another continuing complaint was that overwork & low pay made for "a constantly shifting personnel, in which a standard of achievement is maintained with the greatest difficulty." Nevertheless it is continuity & tradition which impress about the Taylor-Wenderoth-Wetmore period—not only resemblances among 2 decades' classical-Renaissance post offices, but things like the perfectly matched addition to the Berkeley post office.

Whatever the turnover of junior draftsmen, the men who became Supervising Architect spent many years in the department. In addition, Taylor, Wenderoth, Wetmore, & even Louis Simon, the last Supervising Architect (1933-9) were all of the same Beaux Arts generation, born between 1857 & 1871; in fact Taylor, Wenderoth, & Simon all joined the department as draftsmen in 1895-7 (Wetmore, trained as a lawyer & administrator, not an architect, joined the Treasury in 1885 as a court reporter). James Knox Taylor, who decreed the adoption of classical style in 1901 & whose name is on many of these Renaissance-classical post offices, was born in 1857, trained at MIT & in offices including Cass Gilbert's, practiced privately, & joined the Treasury Department as senior draftsman in 1895, becoming Supervising Architect in 1897, & returning to private practice in 1912. Oscar Wenderoth, born in 1871, apprenticed in Philadelphia offices before becoming a draftsman for the Treasury in 1897, worked his way up to head draftsman for the House & Senate office buildings (1904), & later spent some time in the office of Carrere & Hastings before returning as Supervising Architect in 1913; his tenure was cut short by failing eyesight after 2 years. For the next 18 years the Acting Supervising Architect was James A. Wetmore—whether so titled because of his non-architectural background, or because Wenderoth was on some kind of disability leave, is not clear. Wetmore's successor was Louis Simon, MIT 1891, who had in fact been superintendent of the technical section since 1905; thus it is not surprising to find the 1931 Oakland Post Office a colonnaded full-dress Beaux Arts edifice, & its lobby uncannily similar to Berkeley's but in aluminum instead of wood & brass; nor to find the same year's addition to the Berkeley Post Office not only faithfully matched to the 1914 building, but given original ornamentation in the same idiom.



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Berkeley CA

These three architectural contemporaries, Taylor, Wenderoth, & Simon, probably chiefly determined Federal building style in the period of the Berkeley Post Office: a dignified, serviceable, classical, Beaux Arts, American Renaissance style, standardized without meaning that any two buildings were identical. A post office might have an arcade or colonnade, a modillion cornice or a balustraded parapet, & still be a recognizable member of the Treasury family. For suitable locations, the basic pattern could easily be made to look Spanish Colonial, as in Honolulu & La Junta. In Berkeley, the pure Renaissance exterior of the building may or may not be deliberate homage to the University city: art historian Carroll Brentano has pointed out its strong resemblance to Brunelleschi's Foundling Hospital in Florence (1419), & the coincidental fact that Brunelleschi was a particular hero of John Galen Howard, then executing his Beaux Arts plan for the University campus in Berkeley.

Over the years the Berkeley Post Office has been declared outgrown or outmoded various times; in 1953 the solution was a new parcel post station near the West Berkeley railroad tracks. In 1977 there was public outcry over the transfer of mail sorting to new regional facilities in Oakland, & citizens' fears that the post office might be abandoned altogether, in spite of its being the only branch in Northern California operating at a profit. Most recently, there is a concern that streamlined merchandising plans threaten the fine old materials of the lobby. There is also, however, a growing reaction nationwide against the corporate mentality in public building—thus publications like the Federal Architecture Project's Federal Presence, 1978, & the National Trust's Courthouse Conservation Handbook, 1976, with rhetoric like "the dominant concept has been that county offices have the same requirements as commercial offices. While this may be true in the disposition of office machines, the comparison does not extend to the community & judicial functions of courthouses..." The point is perhaps even more appropriately made in the words of Daniel Roper (U.S. Post Office..., 1917), as being contemporary with & well exemplified by the Berkeley Post Office: "...the apparent similarity of the postal service to private corporations is superficial... Corporations, it is said, have no souls. The genius of the American Government is the soul of the postal service, which is a common cooperative endeavor of the people. It has its origin... in the Constitution of the United States; its ideal is not dividends, but the preservation of the Union & the advancement of civilization by the establishment & maintenance of means of communication...In principle there is all the difference in the world between working for some of the people & in working for all of the people. Any plan of action affecting the postal service that does not take this principle into account is erroneous, & if not doomed to failure, will be pernicious in its effects."

UNITED STATES DEPARTMENT OF THE INTERIOR  
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM**

FOR HCRS USE ONLY

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DATE ENTERED

CONTINUATION SHEET U.S. Post Office, ITEM NUMBER 9 PAGE 1  
Berkeley Post Office

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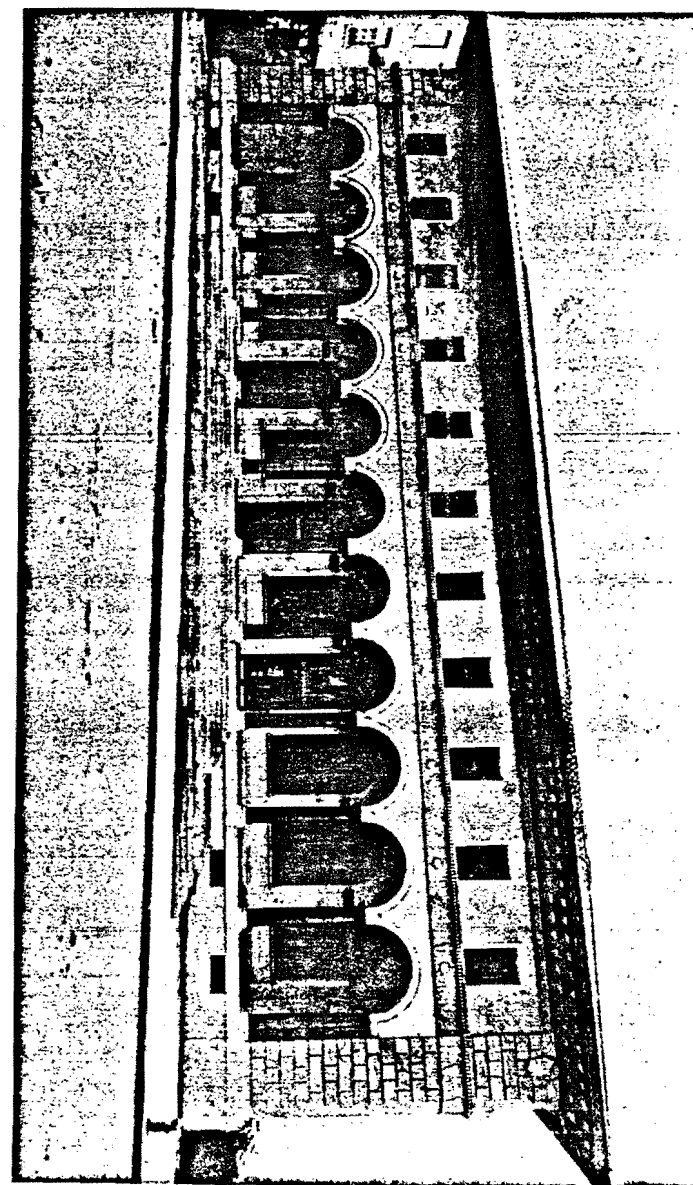
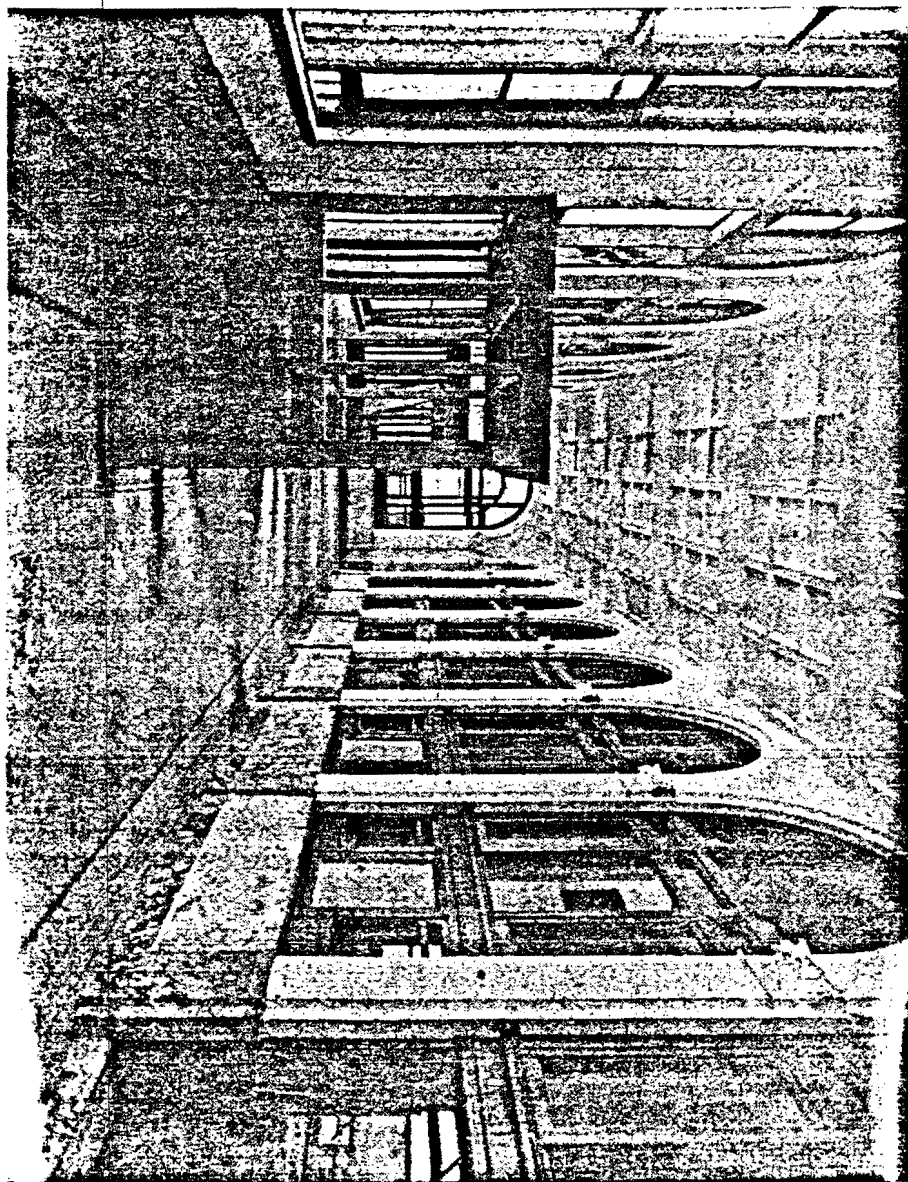
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POST OFFICE, BERKELEY CA 94701  
Lobby, looking east—Architect &  
Engineer, October 1915  
copy neg., Berkeley Architectural  
Heritage Assn., Box 7066, 94707



POST OFFICE, BERKELEY CA 94701  
Main (north) facade—Architect &  
Engineer, October 1915  
copy neg., Berkeley Architectural  
Heritage Assn., Box 7066, 94707



# National Post Office Collaborate



Berkeley Main Post Office      P.O. Box 1234  
Berkeley, California 94701  
[www.nationalpostofficecollaborate.com](http://www.nationalpostofficecollaborate.com)

May 22, 2013

VIA REGISTERED MAIL

Tom A. Samra  
Vice President, Facilities  
Facilities Implementation – Pacific Area  
1300 Evans Avenue, Suite 200  
San Francisco, CA 94188-0200

RE: Berkeley Main Post Office Relocation and Sale of Property  
Appeal of USPS Decision of April 22, 2013 — Federal Property Management Regulations


Dear Mr. Samra:

It has come to our attention that the U.S. Postal Service did not consult with the General Services Administration regarding present and potential future vacant space in the Berkeley Main Post Office Building in accordance with the Memorandum of Agreement between the General Services Administration and United States Postal Service for implementing the President's Urban Policy:

“Both agencies recognize the National interest in preserving historic buildings, each having several hundred designated historic properties in its inventory. In order to conserve our Nation's cultural heritage it is agreed that as early as possible in the planning process each agency will notify the other as to its need to vacate an historic building so that the other may give proper consideration to acquiring and utilizing such property.”

It is our request that, on behalf of the interest of the general public, you observe the Federal Property Management Regulations accordingly.

Sincerely,

  
Jacquelyn McCormick  
Executive Director

Cc: Ford & Huff LC

# FORD & HUFF LC

ATTORNEYS AT LAW

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SOUTH JORDAN, UTAH 84095  
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May 1, 2013

SENT BY FIRST-CLASS MAIL

Tom A. Samra  
Vice President, Facilities  
Facilities Implementation – Pacific Area  
1300 Evans Avenue, Suite 200  
San Francisco, CA 94188-0200

RE: Berkeley Main Post Office Relocation and Sale of Property  
Appeal of USPS Decision of April 22, 2013

Dear Mr. Samra:

On behalf of Jacquelyn McCormick, Dr. Gray Brechin, Project Scholar of the Living New Deal, and the National Post Office Collaborate, we are writing to request that the United States Postal Service ("Postal Service") reconsider the proposed decision of April 22, 2013, to relocate the Berkeley Main Post Office, currently located at 2000 Allston Way, Berkeley, California. The Postal Service's decision further indicates that it plans "to sell the Post Office building on Allston Way after operations are relocated."

We have several problems regarding this proposed decision, in addition to those raised by others. Specifically, we request that the Postal Service comply with proper procedures and studies regarding the impact of the relocation of postal services and the sale of the existing property on the Berkeley community and on the nation as a whole.

First, under the National Environmental Policy Act ("NEPA"), all federal agencies must consider the environmental effects of any major federal action.<sup>1</sup> When considering proposed actions, the Postal Service has a stated policy to "[e]mphasize environmental issues and alternatives," and particularly where a decision affects "the quality of the human environment," to "[e]ncourage and facilitate public involvement" in those decisions.<sup>2</sup>

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<sup>1</sup> 42 USC §4321, *et seq.*

<sup>2</sup> 39 CFR 775.2 (c) and (d).

Although the closure<sup>3</sup> and disposal<sup>4</sup> of post office facilities may be “categorically excluded” from environmental evaluations under NEPA, under “extraordinary circumstances” where an excluded action is connected with “other proposed actions with potentially significant impacts,” then the proposed closure and disposal of a post office facility can no longer be categorically excluded.<sup>5</sup>

The Postal Service has a stated policy to prepare an EIS whenever a proposed action is “significant” either in context or intensity.<sup>6</sup> Both forms of significance exist here. Closing historic post offices is contextually significant<sup>7</sup> on a local as well as national level, and the effects are potentially permanent, particularly where the Postal Service does not intend to preserve the historic post office. Additionally, the effects of the proposed closure and disposal of the Berkeley Main Post Office has greater potential intensity, including a *cumulatively* significant impact because multiple other historic post offices are being closed and sold; this post office is listed on the *National Register of Historic Places*; and the closure and disposal of the Berkeley Main Post Office “may cause loss or destruction of significant...cultural, or historical resources.”<sup>8</sup> Under the NEPA regulations, an EIS must be prepared for intensely significant action even if the beneficial effects outweigh the adverse effects, and “[s]ignificance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”<sup>9</sup>

The Postal Service’s policy is to prepare an Environmental Assessment for the disposal of real property where there will be a “known change in use to a greater environmental intensity.”<sup>10</sup> The intent to sell the property for large urban development is clearly a “known change in use to a greater environmental intensity.” At a minimum, replacing the relatively small structure with a multi-story, high rise office building or other similar structure will create greater levels of pollution and will change the skyline, pose a safety and environmental threat from increased truck and vehicular traffic, and impact “housing, community services, and the area’s economic condition.”<sup>11</sup> There will also likely be a concomitant “effect on the level of noise, smoke, dirt, obnoxious odors, sewage, and solid waste removal,”<sup>12</sup> as well as increased commuter traffic and the loss of job opportunities.

These impacts will clearly be the result of the Postal Service’s decision to sell its federal land, land that the Postal Service has held in trust for the American people for many years.<sup>13</sup> Such a sale of public land constitutes a “major federal action.”<sup>14</sup> It is clear that the Postal Service does

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<sup>3</sup> 39 CFR 775.6 (b)(15).

<sup>4</sup> 39 CFR 775.6 (e)(4).

<sup>5</sup> 39 CFR 775.6 (a).

<sup>6</sup> *Id.*, citing 40 CFR 1508.27.

<sup>7</sup> 40 CFR 1508.27 (a).

<sup>8</sup> 40 CFR 1508.27 (b).

<sup>9</sup> 40 CFR 1508.27 (b)(1) and (7).

<sup>10</sup> 39 CFR 775.5 (b)(10).

<sup>11</sup> 76 ALR Fed 279 at 297, citing *S.W. Neighborhood Assembly v. Eckard* 445 F.Supp. 1195 (DC Dist Col, 1978).

<sup>12</sup> 76 ALR Fed 279 at 298, citing *Hanly v. Kleindienst*, 471 F.2d 823 (CA2 NY, 1972).

<sup>13</sup> 76 ALR Fed 279 at 287, citing *Davis v. Morton*, 469 F.2d 593 (CA 10 NM, 1972), addressing the issue of whether NEPA applied to the lease of restricted Indian lands where the federal government was clearly an interested party to the lease with significant influence and control.

<sup>14</sup> 53 ALR Fed 2d 489 at 540-41, citing *Environmental Rights Coalition, Inc., v. Austin*, 780 F. Supp. 584 (S.D. Ind. 1991).

not intend to retain this post office facility, and the decision has been made to sell its historic post offices, constituting an "irretrievable commitment of resources."<sup>15</sup>

The Postal Service's regulations are clear that the potential environmental issues for a proposed action be properly considered with "[e]arly planning and coordination among postal functional groups," and early planning entails cooperation during the "early concept stages of a program or project."<sup>16</sup>

Our clients have already made a formal request to the Postal Service to provide all environmentally-related documents under FOIA for all historic post offices affected by prospective closure and sale;<sup>17</sup> the deadline to respond to the FOIA request has now passed and they have received no response from the Postal Service. As an "interested community organization," our clients hereby request notice of all EAs, EISs, FONSI, Notices of Intent, and any scheduled NEPA-related hearings,<sup>18</sup> as well as any informal internal documents, such as checklists,<sup>19</sup> that have been used to determine that an EA or EIS is unnecessary. As National Post Office Collaborate's name suggests, they are interested in all historic post offices that are or may be eligible to be listed on the National Register of Historical Places. To date, the Postal Service is clearly considering or in the process of closing 40 such historic post offices nationwide. With such a large number of protected buildings at risk, our clients request updated notices on a continuous basis of closures and prospective sales of all historic post offices, local<sup>20</sup> and nationwide.<sup>21</sup> Our clients request that these documents be mailed in a timely manner and in good faith, with a meaningful opportunity for public input.

The Postal Service's intent to sell the historic Berkeley Main Post Office is definite and, in the context of a clear nationwide plan to save costs and dispose of these historic properties, the Postal Service is clearly aware that the demolition of these historic post offices to make way for urban development is imminent. Where the disposal of federal property is part of a "comprehensive new program"<sup>22</sup> that has a "cumulative or synergistic environmental impact"<sup>23</sup> the Postal Service must also prepare a "comprehensive"<sup>24</sup> or "programmatic environmental impact statement"<sup>25</sup> in addition to the "site specific" environmental evaluations.<sup>26</sup>

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<sup>15</sup> 76 ALR Fed 279 Supplement at 96, citing United States v. 27.09 Acres of Land, 760 F. Supp. 345 (SD NY, 1991).

<sup>16</sup> 39 CFR 775.7

<sup>17</sup> Jill Korte letter to Federal Preservation Officer Dallan Wordekemper, February 13, 2013.

<sup>18</sup> 39 CFR 775.13(a)(1)

<sup>19</sup> 39 CFR 775.9(a)

<sup>20</sup> 39 CFR 775.13(a)(3)

<sup>21</sup> 39 CFR 775.13(a)(2)

<sup>22</sup> 76 ALR Fed 279 at 306, citing Conservation Law Foundation, Inc. v. Harper, 587 F. Supp. 357 (DC Mass. 1984).

<sup>23</sup> 76 ALR Fed 279 at 307, citing Conservation Law Foundation, Inc. v. General Services Admin., 707 F.2d 626 (CA1 RI, 1983).

<sup>24</sup> *Id.*

<sup>25</sup> 76 ALR Fed 279 at 306, citing Conservation Law Foundation, Inc. v. Harper, 587 F. Supp. 357 (DC Mass. 1984).

<sup>26</sup> 76 ALR Fed 279 at 305, citing Conservation Law Foundation, Inc. v. General Service Admin., 707 F.2d 626 (CA1 RI, 1983).

The Postal Service must consider the environmental effects and consequences of the potential uses for the federal property after it is sold, particularly where the redevelopment plans are known with relative certainty, and it must do so prior to the sale of the property.<sup>27</sup>

"If NEPA is allowed to be a mere formality which busy bureaucrats can treat as an annoyance rather than as a vital aid in true decision making, the clear intent of Congress will be frustrated, for the act involves not a matter of doing paperwork to satisfy form, but rather a matter of placing before the decision maker, ever conscious of efficiency and cost, the equal if not greater need to weigh factors affecting the quality of life on this 'overcrowded and rapidly deteriorating continent.'"<sup>28</sup>

The Postal Service is also under a similar, but separate and distinct, obligation to comply with the National Historic Preservation Act ("NHPA"). It has entirely failed to do so regarding the Berkeley Main Post Office. There can be no reasonable dispute that the Berkeley Main Post Office is historically and architecturally significant, as recognized by both municipal landmark designation and listing on the National Register of Historic Places. Modeled closely after Brunelleschi's Foundling Hospital in Florence, it is an outstanding example of the City Beautiful movement in California, originally designed to harmonize both with Berkeley's projected civic center as well as with the neoclassical ensemble of the Phoebe Hearst plan for the nearby State University. Moreover, the building contains both murals and a sculpture commissioned by the Treasury Art Relief project, the latter of which specifically celebrates and ennobles the essential work done within the building by postal employees. The Postal Service has failed to comply with Sections 106 and 111 of the NHPA by taking no steps to ensure continued public access to this public art, by proposing to completely change the function of that building, by failing to consider the full range of alternatives available, and by its erroneous determination that its action will have no "adverse effect" on this historic property.

The Postal Service is proceeding on a mistaken assumption that it has the equivalent of unencumbered fee simple title to the historic public art in the Berkeley Main Post Office. That art was created and paid for from public, not postal, funds for the benefit, improvement, and enjoyment of the public which funded it. When the Berkeley Main Post Office building, and certain other GSA-owned properties used by the Post Office Department were transferred to the Postal Service through the subsequent Postal Reorganization Act, that may have effected a transfer of the title of that building, but the art passed subject to the obligations and requirements of a public trust. This public trust creates rights in the public to the art created by it, and for it, in addition to, and over and above the obligations imposed by NHPA. The Postal Service plans show no consideration of, or plans to recognize and protect, this public trust interest.

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<sup>27</sup> Id. at 314.

<sup>28</sup> 76 ALR Fed. 279 at 314, citing Prince George's County v. Holloway, 404 F. Supp. 1181 (DC Dist Ct, 1975).

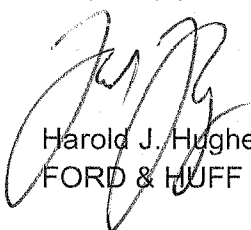
In addition, there is no showing that the Postal Service has followed the procedures, or given consideration to the factors identified in 39 USC §404(d), including consideration of the effect of such closing on the community, and on the employees, as well as in regard to the Postal Service's obligation to provide a "maximum degree of effective and regular postal services," or a facility-specific consideration of any imagined economic savings from the proposed closing. Similarly, the Postal Service has failed to follow its internal regulations and procedures in regard to the closing or relocation of the Berkeley Main Post Office. See, 39 CFR Part 241.

Of course, rational discussion and the well-developed dialogue this matter deserves is significantly hindered by the Postal Service's arbitrary and unreasonably short 15-day appeal period. The terse tone of the April 22 determination letter gives every indication of a rush to judgment on a public issue which certainly deserves better and more thorough consideration. Accordingly, we respectfully request that the Postal Service reconsider its hasty decision to relocate postal services away from the Berkeley Main Post Office, and to 1) prepare and submit an environmental impact statement to the Environmental Protection Agency for review, 2) comply with the full requirements of the NHPA, and 3) gather additional data and fully consider the objections and concerns raised in this appeal, and by other members of the Berkeley community.

Our firm, and our clients, would be willing to meet with you to elaborate on these concerns and legal requirements, and to cooperate in seeking alternatives which might assist the Postal Service in meeting its goals while protecting the public interest, and the public trust.

Thank you for your consideration.

Very truly yours,



Harold J. Hughes  
FORD & HUFF LC

HJH:ss

## Background on the Postal Service crisis



*"The pre-funding of future retiree health benefits..." seems to make no sense, and, as many have noted, it is something that is demanded of no other company or government agency. So why does it exist? It turns out to be one of those things that only Congress could cook up."*

*—Joe Nocera, columnist for the New York Times, 7/30/12*

The December 2006 law to prefund future retiree health benefits takes over \$5 billion each year from Postal revenues of about \$66 billion. It is one of many laws from Congress that hurt our Postal Service.

The USPS has sought redress from Congress. But Congress is not fixing the mess that it made.

*On June 6, 2012, the National Trust for Historic Preservation named America's Historic U.S. Post Office Buildings to its 2012 list of America's 11 Most Endangered Historic Places.*

Instead the Postal Service is desperately stripping assets, cutting costs and services. In the last four years the USPS has slashed the number of career Postal Service employees by almost 130,000, reducing the Postal Service career workforce from 669,000 on June 30, 2008 to 540,000 on June 30, 2012. The rate at which Post Offices and distribution centers are closed and our historic buildings are sold off is rapidly increasing.

While Congress turns a deaf ear to the needs of the Postal Service, the USPS in turn fails to listen to us when citizens and their communities decry the loss of service and of their heritage of vital and beautiful public buildings.

# Save our Post Office! Save the Post Office Building!

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## BACKSTORY

The U.S. Postal Service was established by **Article I, Section 8 of the US Constitution**. Benjamin Franklin was its first Postmaster General. From 1775 to 1971 the Cabinet level Post Office Department was overseen by Congress and funded by taxpayers.

### Since 1971, the U. S. Postal Service

- **Is governed** by a Board of Governors and receives no federal tax dollars.
- **Is funded** by the products and services it sells.
- **Handles more than 40% of the world's mail** more efficiently and at lower cost than other services.
- **Continues to support a \$1 trillion mailing industry** with more than 8 million jobs, despite the growth of the digital world.
- **Has a workforce** that is made up of 40% women, 40% minorities, and 22% veterans, many disabled.
- **Our post offices are public buildings** that were paid for by taxes supplied by our grandparents and great-grandparents.

## THE CRISIS IS MANUFACTURED

The U. S. Postal Service is restricted from activities that would make it self-sustaining.

- The Postal Services' red ink flows from Congress' rule that the **USPS must fund future retiree health benefits 75 years into the future** (employees not born yet) for \$5.5 billion a year.
- For forty years **Federal Personnel Management overcharged USPS** \$50 to \$70 billion in its pension account. Although this was revealed in 2002, the money has not been returned.
- The law requires the Postal Service to **"break even"**; a constraint not required of FBI, CDC, FDA, State Department, FEMA, Park Services, the Armed Forces or any other agency.
- It is mandatory that the **USPS serve all areas of the country**. (not required of FedEx and UPS).
- The USPS is not allowed to provide services that compete with private businesses.

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## THE SALE OF OUR POST OFFICE BUILDINGS

- Will not make the Post Office self sustaining
- May cost the USPS more for leased and rental space
- Violates the USPS' responsibility for maintaining public property and historic preservation
- May actually be sold by the USPS at a loss to benefit profiteers
- May damage local community businesses and customers access to postal services
- Can lead to abandoned historic downtown business areas, to their detriment.

Committee to Save the Berkeley Post Office

[savetheberkeleypostoffice@gmail.com](mailto:savetheberkeleypostoffice@gmail.com)

[www.savethepostoffice.com](http://www.savethepostoffice.com)

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**As of February 18, 2013**

## **Historic Post Offices Sold or For Sale**

Annapolis, Maryland	Northfield, Minnesota
Berkeley, California	Northport, New York
Bethesda, Maryland	Norwich, Connecticut
Boone, North Carolina	Palm Beach, Florida
Bronx, New York	Palo Alto, California
Buffalo, New York	Pawtucket, Rhode Island
Burlingame, California	Plymouth, Michigan
Camas, Washington	Princeton, New Jersey
Charleston, Illinois	Pinehurst, North Carolina
Cheraw, South Carolina	Racine, Wisconsin
Eugene, Oregon	Redlands, California
Fairfield, Connecticut	Reno, Nevada
Fernandina Beach, Florida	San Rafael, California
Firestone Station, South Gate, California	Santa Barbara, California
Flemington, New Jersey	Santa Monica, California
Fullerton, California	St. Joseph, Missouri
Geneva, Illinois	St. Paul, Minnesota
Glendale, California	Somerville, Massachusetts
Gulfport, Mississippi	Stamford, Connecticut
Greenwich, Connecticut	Ukiah, California
Huntington Beach, California	Venice, California
Kingston, Pennsylvania	West Chester, Pennsylvania
La Jolla, California	Villa Park, Illinois
Lakewood, New Jersey	Washington, D.C.
Modesto, California	Westport, Connecticut
Norristown, Pennsylvania	Yankton, South Dakota
North Little Rock, Arkansas	York, Pennsylvania

# Viewpoints: How Congress undercuts the Postal Service

Special to The Bee

Published Tuesday, Apr. 16, 2013

Does Congress have it in for the U.S. Postal Service?

The Postal Service gets no tax dollars, yet is constantly hammered as a money-wasting government agency. Every time it seeks to cut costs, Congress puts up roadblocks.

In February, the Postal Service announced it would end Saturday mail delivery, saving the agency \$2 billion annually. But the new stopgap budget passed by Congress prohibits that with language mandating six-day delivery. Whenever the Postal Service tries to close an underperforming facility, lawmakers become apoplectic and try to prevent the closing, forcing the agency to throw good money after bad.

It's mind-boggling how Congress, a withering failure on fiscal matters, routinely castigates the Postal Service for hemorrhaging cash, yet continues to subjugate the agency to its own blundering fiscal whims.

The Postal Service's biggest financial burden, however, is something it couldn't control even if it had real autonomy: the Postal Accountability and Enhancement Act. Passed in December 2006, it required the Postal Service to annually pay \$5.5 billion to pre-fund retiree health benefits for the next 75 years, and do so all before 2017.

Never has Congress forced any private business or government agency to comply with such an onerous obligation.

Proponents of the measure argued that the Postal Service would become insolvent, leaving taxpayers on the hook for any unfunded liabilities.

Today they look at the Postal Service and say, "See, it's losing money. We were right." They don't tell you that the Postal Service was profitable every year through 2006, when the Postal Accountability and Enhancement Act became law. It has lost money every year since.

"Someone was out to get the Postal Service in 2006," Rep. John Garamendi, D-Walnut Grove, tells me. The law "is probably designed to bankrupt the Postal Service so that it would disappear."

It's a common suspicion, one many believe is driven by the American Legislative Exchange Council, or ALEC, the most powerful lobby you've never heard of. It's an organization of state lawmakers across the country, funded primarily by wealthy business donors like the Koch brothers, Big Oil, Big Pharma and Big Tobacco.

Some have called ALEC "Corporate America's Trojan Horse." Operating mostly in secret, ALEC drafts "model legislation" for lawmakers to present as their own, getting it passed into law. Arizona's infamous immigration law, SB 1070, is one such offspring. The Postal Accountability and Enhancement Act is another, fronted by then-New York Rep. John McHugh, a longtime member of ALEC. Another ALEC alum: Illinois' Dennis Hastert, the House speaker in 2006 who pushed the act through by voice vote, with no record of members present or their position.

FedEx's chief lobbyist, Bill Primeaux, and UPS operations manager Richard McArdle sat on the ALEC corporate board. What might private carriers gain should the Postal Service disappear?

The Cato Institute fully favors privatization of mail delivery. One of its board members: Fred K. Smith, CEO of FedEx. Who funds the Cato Institute? The Koch brothers. Smith and the Kochs are on record favoring privatization of the Postal Service. Interestingly, in 2006, the Postal Service considered replacing many of its vehicles – the largest fleet in the nation – with electric vehicles, a huge boost for that industry but hardly attractive to oil barons like the Koch brothers. That plan died when the Postal Accountability and Enhancement Act passed.

Also benefiting: CBRE, the world's largest commercial real estate broker and sole manager of all Postal Service property sales. Desperately attempting to raise cash, the Postal Service is selling properties in its control, like the historic downtown post office in Berkeley. The chairman of CBRE? Richard Blum, husband of Dianne Feinstein.

Even if the "ALEC conspiracy" isn't your fancy, expecting any business to pre-fund 75 years of entitlements and then complain that it's losing money is beyond logic. It's like putting a 200-pound bag of cement on a sprinter and complaining about his second-place finish.

A bill in the last Congress, HR 1351, would have repealed the Postal Accountability and Enhancement Act mandate. Despite 230 co-sponsors in the House, it died in the Committee on Oversight and Government Reform, chaired by Darrell Issa, R-Vista, another proponent of mail privatization. A bill supported by more than half the House defeated in committee by a handful?

Members can initiate a discharge petition, a procedural maneuver that circumvents committee votes and brings bills to the floor with 218 signatures. However, the bill must first be reported to the floor. The House speaker can block that reporting and thus the petition. Current Speaker John Boehner? Also a former member of ALEC.

HR 1351 has a sequel, HR 961. Not even a month old, it already has 49 co-sponsors. We'll see.

Funny, though, how members of Congress want mail delivery privatized and then, when the Postal Service tries to act like a private business, Congress trumpets rules telling it what it can and cannot do.

Says Garamendi: "You've correctly identified the issue."

Yes, the Postal Service faces problems. It's just a question of whether the treatment is worse than the disease.

*Bruce Maiman is a former radio host who lives in Rocklin. Reach him at [brucemaiman@gmail.com](mailto:brucemaiman@gmail.com).*

*Editor's note: This column was changed April 17 to correct information that FedEx chief lobbyist Bill Primeaux, UPS operations manager Richard McArdle and House Speaker John Boehner are former board members of the American Legislative Exchange Council, or ALEC.*

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# From the Website of the **American Postal Owners Association**

<http://www.americanpostalowners.com/>

Anyone can own a United States Post Office building. There are thousands of them rented/leased to the United States Postal Service! The best thing is that the rental income, is backed by the U.S. Government!

## **How Owning A Post Office Property Works**

The USPS is the successor to what used to be a full-fledged government department—namely, the Post Office Department, founded in 1792. So much a part of government was it that its rationale is mentioned in the Constitution, and the Postmaster General was in the line of succession to the Presidency—last in line, yes, but in line all the same.

So things remained until President Richard M. Nixon's Administration reorganized the Post Office Department in 1970 in response to a debilitating strike by postal workers, establishing the newly branded USPS as a "corporation-like" independent agency.

What did, and does, this mean? For one thing, it means that, as of July 1971, when the reorganization took effect, Postmaster General was no longer a cabinet-level position appointed by the President. Instead, a Board of Governors was created consisting of nine members appointed by the President. These nine, in turn, chose the Postmaster General. These ten, in turn, then chose a Deputy Postmaster General to serve as chief operating officer, making for a nice round number of eleven.

In addition, the new arrangement called for a Postal Rate Commission consisting of five President-appointed members, the idea being that there needed to be some check on those who control the USPS's financial operations. (As of December 2006, the Postal Rate Commission became the Postal Regulatory Commission, with somewhat expanded powers.)

The result of all this was a platypus-like creation that is neither exactly a Federal agency nor exactly a private corporation. Nor is it a hybrid government-owned corporation, like Amtrak, for example. The USPS isn't really a corporation at all. Since the Board of Governors does not have the same sort of fiduciary responsibilities and liabilities as real corporate directors do, it amounts to window dressing. In fact, the USPS's only real shareholder remains the U.S. government, and it has no actual board of directors other than Congress—more specifically the Subcommittee on the Federal Workforce and the Postal System of the House Government Operations Committee.

But Congress, as we know, only deals with emergencies. It does not engage in long-range strategic planning or market research. It does not evince responsible financial behavior or exemplify corporate best practices of any kind—especially when it comes to oddball appendages like the USPS. And from this circumstance all else follows.

## Postal Offices and Facilities

There are around *35,000+/- postal facilities in the U.S. and over 25,000+/- of these are privately owned and leased to the U.S. Postal Service* which therefore only owns about 25%+/- of the number of properties they use!

Some post offices are just a few hundred square feet in size and can be bought for as little as several thousand dollars! Some are thousands of square feet on acres of land and sell for millions of dollars. They come in all shapes and sizes to satisfy the investment criteria of all investors, large and small!

If you already invest in and own leased U.S. Postal Service Property would you like to buy more? Would you like to sell the ones you own on this website? Would you like to have some help negotiating leases and option renewals? Then join us at American Postal Owners, Inc. D/B/A "APO" and get free access once you are a member to our expert help and our list of post offices that are put up for sale through this website. APO is not a broker nor does APO have anything to do with either the purchase or the sale of any property you may look to buy or sell after having viewed it on this site.

## Property News tip

House panel votes relief for Postal Service --The House Oversight and Government Reform Committee voted Friday to approve HR 22, which would save the U.S. Postal Service \$2.3 billion this year in health care costs. The bill allows the Postal Service to pay health care premiums for its current retirees using a trust fund designated for future retirees.

Without the bill, the Postal Service would have to make a \$2.3 billion payment in September for its current retirees; postal officials say they cannot pay that bill.

“The Postal Service is facing a financial emergency,” said Rep. Edolphus Towns, D-N.Y., the committee chairman. “HR 22 would allow the Postal Service to live to fight another day.”

HR 22 was introduced in January and then spent almost six months before the committee. The bill now heads to the full House for a vote. Passage is almost guaranteed: The bill has 337 co-sponsors.

In Rhinebeck, NY home of APO, the post office is USPS owned. Though it serves well over 10,000 people and has several routes, and is very busy most of the time, they are cutting the hours back. Instead of being open until 7 pm now it will be closing at 5 pm. Instead of opening at 8:30 am it will now open at 9 am. Saturday hours are also being greatly reduced. Many people when considering a purchase often rely on the hours of operation. This is not longer a true indication of how busy the post office is. Think about this.

Do not allow other associations to put a scare into you so that you will be afraid to keep you post office or invest in other new purchases. I say once again, the closings and consolidations have to do with BRANCH offices in large cities or large Processing & distribution Centers.

**KEEP THIS IN MIND THE NEXT TIME YOU FEEL CONCERNED ABOUT THE USPS CLOSING SMALL RURAL POST OFFICES.**

Under a federal law aimed at ensuring service for rural and remote areas, economizing cannot be the sole factor in closing a post office.



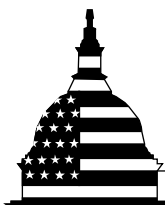
Report to the Chairman, Subcommittee on  
Federal Financial Management, Government  
Information, Federal Services, and International  
Security, Committee on Homeland Security and  
Governmental Affairs, U.S. Senate

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July 2012

# FEDERAL REAL PROPERTY

## Strategic Partnerships and Local Coordination Could Help Agencies Better Utilize Space



G A O

Accountability \* Integrity \* Reliability

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# Appendix III: Comments from the U.S. Postal Service

TOM A. SAMRA  
VICE PRESIDENT, FACILITIES



July 12, 2012

Mr. Keith Cunningham  
Assistant Director  
GAO  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Cunningham:

Thank you for the opportunity to review the draft report entitled *Strategic Partnerships and Local Coordination Could Help Agencies Better Utilize Space* (GAO-12-779). As previously indicated, we are in agreement with the factual statements and findings contained in the report. However, with respect to the three recommendations for Executive Action, we have some concerns as follows:

- 1) Recommendation calling for inclusion of USPS in local coordination efforts: USPS does not object to the concept of sharing space and will consider co-locating with other federal agencies. USPS prefers, however, that this be carried out on a case-by-case basis. Please note that USPS has implemented a proactive program to review and take steps necessary to consolidate and right-size space needs, as well as, to determine how to best utilize any resulting excess space. In situations where USPS has identified underutilized space, we are actively and aggressively pursuing third party tenants where deemed appropriate by engaging CBRE, a National Real Estate Services Provider. Such space is being marketed to generate revenue and reduce overall expense. While USPS can agree to make other federal agencies aware of available excess space, at this time based on the USPS' ongoing financial challenges and consolidation efforts, USPS ultimately needs the flexibility to lease excess space to a tenant, either private 3<sup>rd</sup> party or federal agency, that provides the most synergistic and financial benefits to USPS.
- 2) Recommendation to develop strategic partnerships with assigned roles and tasks: USPS does not object to the concept of developing strategic partnerships and has actively pursued opportunities with GSA where deemed to be mutually beneficial. Oftentimes, however, the cost involved to make the space conform to GSA standards is prohibitive and suggests that moving forward with a strategic partnership will be challenging.
- 3) Recommendation to develop and implement tools: USPS does not have the financial or the human resources to develop and implement tools to measure and evaluate and disseminate information on non-financial benefits from co-locating federal agencies.

Leasing through  
CBRE. Criteria is  
most financial  
benefit to USPS.

In conclusion, USPS needs to maintain flexibility during these extreme times of uncertainty. While USPS has every intention of cooperating with the spirit of GAO's initiatives outlined in the report, USPS must ultimately be able to make decisions based on the best value and best result for USPS.

Sincerely,

Tom A. Samra

Cc: Janie Bjork



# Executive Order 12072

## Federal Space Management

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

### 1-1. Space Acquisition.

1-101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1-102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1-103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1-104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatability of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1-105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.



(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1-106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

#### 1-2. Administrator of General Services.

1-201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the Executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of Executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1-202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1-203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

- (a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.
- (b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.
- (c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.
- (d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.
- (e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1-204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

### 1-3. General Provisions.

1-301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1-302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended, shall conform to the provisions of this Order to the extent they have the authority to do so.

1-303. Executive Order No. 11512 of February 27, 1970, is revoked.

**JIMMY CARTER**

**THE WHITE HOUSE,**

*August 16, 1978.*

*Last Reviewed 2012-06-27*

## Presidential Documents

Executive Order 13006 of May 21, 1996

### Locating Federal Facilities on Historic Properties in Our Nation's Central Cities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505), and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978, and Executive Order No. 11593 of May 13, 1971, it is hereby ordered as follows:

Section 1. *Statement of Policy.* Through the Administration's community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

Sec. 2. *Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities.* When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122), and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

Sec. 3. *Identifying and Removing Regulatory Barriers.* Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

Sec. 4. *Improving Preservation Partnerships.* In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

Sec. 5. *Judicial Review.* This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,  
May 21, 1996.

[FR Doc. 96-13305

Filed 5-23-96; 8:45 am]

Billing code 3195-01-P

# The Postal Protection Act of 2013



*S.316 is the legislation introduced by Vermont Senator Bernie Sanders to fix the manufactured USPS financial crisis. Twenty-five senators have signed on as co-sponsors. H.R.630 is similar legislation introduced in the House by Oregon Congressman Pete DeFazio. It now has 156 co-sponsors.*

Oregon Congressman Pete DeFazio writes:

"The United States Postal Service (USPS) is in a financial death spiral, caused largely by Congressional and bureaucratic ineptitude and inaction. Over 70% of USPS financial losses are due to a Congressional mandate to prefund retiree healthcare for future employees for the next 75 years. This requires the post office to prefund the

healthcare of future employees that have not yet been born. This is stupid and unacceptable.

"Rather than avoiding this financial crisis they face, USPS bureaucrats have only offered short-sighted proposals that fail to address their long-term issues and would accelerate the demise of the Postal Service.

"That's why I introduced HR 630, the Postal Service Protection Act. This legislation will sustain the postal service, avoid unnecessary closures that hurt rural communities, and save American jobs."

We add that the current postal service crisis is hurting traditional city and town centers as well.

*On March 28th there were only twelve Senators who had signed on to co-sponsor S.316.*

*Now there are twenty-five.*



**Loni Hancock** SENATOR, NINTH DISTRICT

---

May 8, 2013

Senator Barbara Boxer  
70 Washington Street, Suite 203  
Oakland, CA 94607

Dear Senator Boxer:

I am writing with some urgency to ask that you sign on as a co-sponsor of the Postal Service Protection Act (S. 316), introduced by Senator Bernie Sanders.

As I am sure you are aware, the United States Postal Service (USPS) has decided to close many post office locations and sell many of its properties. They say this is due to declining revenues and its financial obligations to pre-fund future retiree health benefits. No other agency or company in America is required to pre-pay benefits, especially on such an aggressive schedule. I can see no reason for this except that it is part of a larger conservative agenda to further dismantle and privatize the public systems that have served our country well.

Additionally, included in the list of proposed sales are numerous buildings that are of national and local historic significance, from the Bronx to Berkeley. Built in 1914, the City of Berkeley's Main Post Office, which serves over 100,000 people a year (located less than one block from one of the Bay Area's major transit hubs), has many important historical features, including: 2 WPA murals, a designation as a City of Berkeley Landmark (1980), a listing on the National Register of Historic Places (1980), and a listing on the National Register as a significant contributor to Berkeley's Civic Center Historic District (1998).

Selling this building, and many others like it, is short-sighted and unnecessary; it not only puts significant national treasures at risk, but would also erode local economies. While I understand that USPS is experiencing financial challenges as it adjusts to the digital world, I believe that these issues can be dealt with in a way which strengthens USPS, rather than by initiating a series of cuts that will gradually make it less financially viable.

The Postal Service Protection Act (S. 316) provides commonsense solutions that will preserve jobs and services that the American people rely on and avoid the sale of many of our national treasures. What I like most about this legislation is that it will:

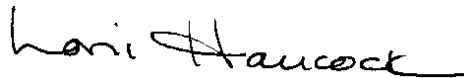
- Fix the immediate fiscal problem by ending the pre-funding mandate and allowing USPS to recover pension overpayments;

- Protect 6-day delivery, and
- Establish new ways the Postal Service can generate revenue by ending the prohibition on providing new products and services

Many cities around the country, including Berkeley, have requested that USPS suspend closure decisions to allow for opportunities to find alternatives. USPS is unwilling to work with us and has chosen to move forward with selling our post office. It is even denying our ability to appeal to the Postal Regulatory Commission. They say that they intend to relocate elsewhere in Downtown Berkeley and, therefore, it is not a sale. The Postal Service Protection Act is essential to provide alternatives and prevent USPS from acting unilaterally without regard for the negative impact its actions will have on my community and many others in California.

We need your help. I strongly request that you become a co-sponsor of this critical piece of legislation to help us protect our heritage buildings, our local economies, and our postal service.

Respectfully,

A handwritten signature in black ink that reads "Loni Hancock". The signature is fluid and cursive, with the first name "Loni" and the last name "Hancock" clearly distinguishable.

LONI HANCOCK  
Senator

LH:mm

# DOLORES HUERTA FOUNDATION

Senator Barbara Boxer  
112 Hart Senate Office Building  
Washington, D. C. 20510  
Subject: Senate bill 316, (Postal Service Protection Act of 2013)

Dear Senator Boxer,

As a long time organizer for this country's workers, an advocate for the rights of women, and someone especially concerned about the jobs and benefits of Americans of color, I am writing to urge you to support Senator Bernie Sanders' bill, S.316. The United States Postal Service (USPS) is in a financial death spiral. Over 70% of USPS financial losses are due to a Congressional mandate to prefund retiree healthcare for future employees for the next 75 years. This requires the post office to prefund the healthcare of future employees that have not yet been born.

USPS bureaucrats have only offered short-sighted proposals that fail to address their long-term issues and would accelerate the demise of the Postal Service.

Twenty-five of your colleagues including Senators Kirsten Gillibrand, Elizabeth Warren, Debbie Stabenow, Barbara Mikulski and Jeanne Shaheen are supporting S.316 as a balanced and reasonable approach to putting the USPS on a firm footing, sustain the postal service, avoid unnecessary closures that hurt urban and rural communities, and save American jobs. (In the House, 156 Congress members have signed on to Rep. Peter DeFazio's companion bill.)

I'm sure you join me in wanting to protect the living wage jobs with benefits that allow hundreds of thousands of postal workers—the nation's most diverse work force—to live with the dignity working people deserve. If ALEC, the Cato Institute and others have their way, the postal service will be privatized; citizens will lose services, wages will be severely cut and benefits disappear.

However, those of us who value the role of government in society realize that S.316 needs an important amendment. It will not in itself save historic post offices, which represent the legacy of the great Democratic Roosevelt era when several thousand post offices were built. Not only were beautiful public buildings erected during that era (and earlier during the "beautiful city" movement when Berkeley's 1914 Post Office was built), but murals were painted to grace the interiors of the buildings.



# DOLORES HUERTA FOUNDATION

The Roosevelt administration and legislators of that time wanted to let people know the government honored them. There was no admission fee to see the works of the nation's most accomplished artists. Following in the great tradition of Diego Rivera, these art works taught the history of the communities where the Post Office anchored the downtowns and celebrated the accomplishments of everyday people.

The famed American artist of conscience Ben Shahn met his wife, Bernarda Bryson, while assisting Diego Rivera on the Rockefeller Center project *Man at the Crossroads*. In a notorious act of artistic censorship, the Rivera mural was chiseled from the wall in 1934 at Nelson Rockefeller's request.

The Bronx General Post Office is graced by splendid murals by Ben Shahn and Bernarda Bryson Shahn that depict the dignity of those who perform manual labor. Shahn and his wife drew inspiration from Walt Whitman's *Song of America* to paint a panorama of American agriculture and industry depicting men and women throughout the country engaged in labor, from rural cotton and wheat fields to urban textile factories and steel mills. Bronx residents were devastated to learn that the USPS is moving to sell this building. The murals are tempera on fresco and are part of the building itself.

Here in California the *Story of Venice* by California artist Edward Biberman depicts Abbot Kinney and his vision of Venice, as well as the oil wells and the destruction that followed annexation. Despite community outcry, last year the USPS sold the building to film producer Joel Silver. The mural still belongs to our government, but the public must now make an appointment with Silver Pictures to see the mural.

I am deeply disturbed that our history is being chiseled away, that our access to art that celebrates us is being restricted by an appointment calendar.

Currently, postal facilities across the nation are being closed, consolidated, or sold at an alarming rate, in a desperate bid to respond to the 2006 manufactured financial crisis. Foremost among the properties being sold are buildings of historical significance that anchor traditional downtowns. Many contain irreplaceable public art. I am sure you are aware of the sales of such buildings across the country and that a large number of those sales have occurred here in California.

# DOLORES HUERTA FOUNDATION

Therefore I urge you to offer an amendment to S.316 that specifically protects America's historic post offices. NYU Professor Steve Hutkins was quoted in USA Today: "2,200 of the nation's post offices were built during the Great Depression as a morale booster for a country that was losing confidence in its government. So to see them turned into a restaurant or a film studio or real estate office or law offices is just undoing all of that. Frankly, I think the effort to privatize them is to remove all signs that the government can do great things."

Communities across the nation are struggling to save their main post offices. Given the current intransigence of the USPS, it's clear that legislative intervention will be needed to save our beautiful public downtown post offices.

Across the country, Americans feel they cannot sit back and allow their national heritage to be sold and the public commons destroyed. I am hoping we can work together to save our postal service, a tradition of living wage employment, and our historic post offices.

Thank you,



Dolores Huerta  
President

## **Summary: S.316 — 113th Congress (2013-2014)**

Introduced in Senate (02/13/2013)

Postal Service Protection Act of 2013 - Sets forth rules for the recalculation of annuities for employees of the U.S. Postal Service (USPS) and for the redetermination of surplus or supplemental liabilities under the Civil Service Retirement System (CSRS). Prescribes the "average pay" to be used in calculating annuities and surplus amounts.

Authorizes the transfer of surplus postal retirement contributions in FY2013 to the Postal Service Retiree Health Benefits Fund, the Postal Service Fund, and the Employees' Compensation Fund under the Federal Employees' Compensation Act (FECA) and to USPS for payment of its debt obligations.

Eliminates the requirement for pre-funding of the Postal Service Retiree Health Benefits Fund.

Sets forth criteria for the closing or consolidation of postal facilities.

Allows USPS to provide any nonpostal service or product in a manner consistent with the public interest.

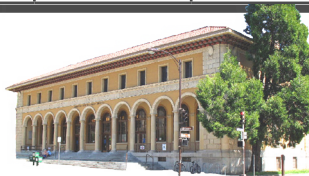
Provides for the mailing of wine and beer sent by a licensed winery or brewery in accordance with the laws of the state, territory, or district where the addressee or agent takes delivery.

Establishes in USPS the position of the Chief Innovation Officer who shall have proven expertise and success in the postal and shipping industry and in innovation, marketing, technology, and management. Establishes a Postal Innovation Advisory Commission. Requires the Postmaster General to report to specified congressional committees and the Postal Regulatory Commission on a comprehensive strategy for maximizing USPS revenue through innovative postal and nonpostal products and services.

Prohibits USPS from reducing the frequency of mail delivery to fewer than six days each week or from increasing the expected delivery time for market-dominant products.

Current Senate Co-Sponsors of S.316,  
 Senator Bernie Sanders' "Postal Service Protection Act of 2013"  
 and  
 the 30 current California Congressional Representatives  
 (out of 156 endorsing Congresspersons) who have endorsed  
 Oregon Congressman Peter DeFazio's related bill  
 H.R.630 "Postal Service Protection Act of 2013"

30 California Congressional Representatives have endorsed H.R.630		Date of endorsement	26 Senators have endorsed S.316		Date of endorsement
Rep. Lofgren	Zoe [D-CA-19]	2/28/2013	Sen. Leahy	Patrick J. [D-VT]*	2/13/2013
Rep. Brownley	Julia [D-CA-26]	2/28/2013	Sen. Gillibrand	Kirsten E. [D-NY]*	2/13/2013
Rep. McNerney	Jerry [D-CA-9]	2/28/2013	Sen. Franken	Al [D-MN]*	2/13/2013
Rep. Eshoo	Anna G. [D-CA-18]	3/4/2013	Sen. Wyden	Ron [D-OR]*	2/13/2013
Rep. Farr	Sam [D-CA-20]	3/4/2013	Sen. Merkley	Jeff [D-OR]*	2/13/2013
Rep. Schiff	Adam B. [D-CA-28]	3/7/2013	Sen. Udall	Tom [D-NM]*	2/13/2013
Rep. Sanchez	Loretta [D-CA-46]	3/7/2013	Sen. Brown	Sherrod [D-OH]*	2/13/2013
Rep. Ruiz	Raul [D-CA-36]	3/7/2013	Sen. Heinrich	Martin [D-NM]	2/14/2013
Rep. Takano	Mark [D-CA-41]	3/7/2013	Sen. Schatz	Brian [D-HI]	2/28/2013
Rep. Lee	Barbara [D-CA-13]	3/12/2013	Sen. Warren	Elizabeth [D-MA]	3/4/2013
Rep. Lowenthal	Alan S. [D-CA-47]	3/12/2013	Sen. Harkin	Tom [D-IA]	3/5/2013
Rep. Matsui	Doris O. [D-CA-6]	3/12/2013	Sen. Stabenow	Debbie [D-MI]	3/20/2013
Rep. Huffman	Jared [D-CA-2]	3/12/2013	Sen. Manchin	Joe, III [D-WV]	4/8/2013
Rep. Davis	Susan A. [D-CA-53]	3/15/2013	Sen. Baucus	Max [D-MT]	4/8/2013
Rep. Chu	Judy [D-CA-27]	3/15/2013	Sen. Blumenthal	Richard [D-CT]	4/9/2013
Rep. Napolitano	Grace F. [D-CA-32]	4/9/2013	Sen. Cowan	William M. [D-MA]	4/9/2013
Rep. Bera	Ami [D-CA-7]	4/9/2013	Sen. Tester	Jon [D-MT]	4/10/2013
Rep. Cardenas	Tony [D-CA-29]	4/9/2013	Sen. Menendez	Robert [D-NJ]	4/10/2013
Rep. Honda	Michael M. [D-CA-17]	4/9/2013	Sen. Lautenberg	Frank R. [D-NJ]	4/10/2013
Rep. Hahn	Janice [D-CA-44]	4/9/2013	Sen. Levin	Carl [D-MI]	4/22/2013
Rep. Costa	Jim [D-CA-16]	4/10/2013	Sen. Casey	Robert [D-PA]	5/7/2013
Rep. Speier	Jackie [D-CA-14]	4/23/2013	Sen. Cardin	Benjamin [D-MD]	5/9/2013
Rep. Sanchez	Linda T. [D-CA-38]	4/23/2013	Sen. Mikulski	Barbara [D-MD]	5/14/2013
Rep. Bass	Karen [D-CA-37]	4/24/2013	Sen. Whitehouse	Sheldon [D-RI]	5/14/2013
Rep. Waters	Maxine [D-CA-43]	4/25/2013	Sen. Shaheen	Jeanne [D-NH]	5/20/2013
Rep. Garamendi	John [D-CA-3]	4/25/2013	Sen. Murphy	Chris [D-CT]	5/22/2013
Rep. Vargas	Juan [D-CA-51]	5/6/2013			
Rep. Swalwell	Eric [D-CA-15]	5/16/2013			
Rep. Negrete-McLeod	Gloria [D-CA-35]	5/21/2013			
Rep. Capps	Lois [D-CA-24]	5/21/2013			



**California's Congressional Delegation**  
**Listing of co-sponsors on H.R.630, the "Postal Service Protection Act of 2013"**

1st	Doug LaMalfa (R)		28th	Adam Schiff (D)	YES 3/7/13
2nd	Jared Huffman (D)	YES 3/12/13	29th	Tony Cardenas (D)	YES 4/9/13
3rd	John Garamendi (D)	YES 4/25/13	30th	Brad Sherman (D)	
4th	Tom McClintock (R)		31st	Gary Miller (R)	
5th	Mike Thompson (D)		32nd	Grace Napolitano (D)	YES 4/9/13
6th	Doris Matsui (D)	YES 3/12/13	33rd	Henry Waxman (D)	
7th	Ami Bera (D)	YES 4/9/13	34th	Xavier Becerra (D)	
8th	Paul Cook (R)		35th	Gloria Negrete McLeod (D)	YES 5/21/13
9th	Jerry McNerney (D)	YES 2/28/13	36th	Raul Ruiz (D)	YES 3/7/13
10th	Jeff Denham (R)		37th	Karen Bass (D)	YES 4/24/13
11th	George Miller (D)		38th	Linda T. Sánchez (D)	YES 4/23/13
12th	Nancy Pelosi (D)		39th	Ed Royce (R)	
13th	Barbara Lee (D)	YES 3/12/13	40th	Lucille Roybal-Allard (D)	
14th	Jackie Speier (D)	YES 4/23/13	41st	Mark Takano (D)	YES 3/7/13
15th	Eric Swalwell (D)	YES 5/16/13	42nd	Ken Calvert (R)	
16th	Jim Costa (D)	YES 4/10/13	43rd	Maxine Waters (D)	YES 4/25/13
17th	Mike Honda (D)	YES 4/9/13	44th	Janice Hahn (D)	YES 4/9/13
18th	Anna Eshoo (D)	YES 3/4/13	45th	John Campbell (R)	
19th	Zoe Lofgren (D)	YES 2/28/13	46th	Loretta Sánchez (D)	YES 3/7/13
20th	Sam Farr (D)	YES 3/4/13	47th	Alan Lowenthal (D)	YES 3/12/13
21st	David Valadao (R)		48th	Dana Rohrabacher (R)	
22nd	Devin Nunes (R)		49th	Darrell Issa (R)	
23rd	Kevin McCarthy (R)		50th	Duncan D. Hunter (R)	
24th	Lois Capps (D)	YES 5/21/13	51st	Juan Vargas (D)	YES 5/6/13
25th	Howard McKeon (R)		52nd	Scott Peters (D)	
26th	Julia Brownley (D)	YES 2/28/13	53rd	Susan Davis (D)	YES 3/15/13
27th	Judy Chu (D)	YES 3/15/13			



FISCAL YEAR 2014

# APPENDIX

BUDGET OF THE U.S. GOVERNMENT

OFFICE OF MANAGEMENT AND BUDGET

BUDGET.GOV



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our website.

FLEXIBLE BENEFITS PLAN RESERVE—Continued  
Program and Financing—Continued

Identification code 24-0800-0-1-805	2012 actual	2013 CR	2014 est.
<b>Budget authority and outlays, net:</b>			
Mandatory:			
4090 Budget authority, gross .....	12	33	34
Outlays, gross:			
4100 Outlays from new mandatory authority .....	4	23	24
Offsets against gross budget authority and outlays:			
Offsetting collections (collected) from:			
4120 Federal sources .....	-4	-4	-4
4123 Non-Federal sources .....	-8	-29	-30
4130 Offsets against gross budget authority and outlays (total) ....	-12	-33	-34
4170 Outlays, net (mandatory) .....	-8	-10	-10
4190 Outlays, net (total) .....	-8	-10	-10

This account contains reserve resources required under the Office of Personnel Management's contract with the administrator of the Flexible Benefits program. This account is funded by payments from Federal agencies based on the participation of their employees in the program and from net forfeitures, as authorized by the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136). Account assets are available to indemnify the administrator when benefit payments exceed contributions, and for program enhancements.

## Object Classification (in millions of dollars)

Identification code 24-0800-0-1-805	2012 actual	2013 CR	2014 est.
99.0 Reimbursable obligations .....	4	23	24

## → POSTAL SERVICE RETIREE HEALTH BENEFITS FUND

## Special and Trust Fund Receipts (in millions of dollars)

Identification code 24-5391-0-2-551	2012 actual	2013 CR	2014 est.
0100 Balance, start of year .....	43,707	45,347	47,347
Receipts:			
0240 Postal Service Contributions for Current Workers, Postal Service Retiree Health Benefits Fund .....		3,339	3,521
0241 Earnings on Investments, Postal Service Retiree Health Benefits Fund .....	1,640	1,573	1,528
0242 Postal Service Contributions for Benefits Paid to Retirees, Postal Service Retiree Health Benefits Fund .....		5,600	5,700
0243 Postal Service Contributions for Benefits Paid to Retirees, Postal Service Retiree Health Benefits Fund .....			-5,700
0244 Postal Service Contributions for Benefits Paid to Retirees, Postal Service Retiree Health Benefits Fund .....		-5,600	
0299 Total receipts and collections .....	1,640	4,912	5,049
0400 Total: Balances and collections .....	45,347	50,259	52,396
Appropriations:			
0500 Postal Service Retiree Health Benefits Fund .....	-1,640	-7,173	-7,228
0501 Postal Service Retiree Health Benefits Fund .....	1,640	7,173	7,228
0502 Postal Service Retiree Health Benefits Fund .....		-2,912	-3,199
0599 Total appropriations .....		-2,912	-3,199
0799 Balance, end of year .....	45,347	47,347	49,197

## Program and Financing (in millions of dollars)

Identification code 24-5391-0-2-551	2012 actual	2013 CR	2014 est.
<b>Budgetary Resources:</b>			
Budget authority:			
Appropriations, mandatory:			
1201 Appropriation (special or trust fund) .....	1,640	7,173	7,228
1235 Appropriations precluded from obligation .....	-1,640	-7,173	-7,228
<b>Memorandum (non-add) entries:</b>			
5000 Total investments, SOY: Federal securities: Par value .....	43,708	45,347	52,670
5001 Total investments, EOY: Federal securities: Par value .....	45,347	52,670	59,898

The Postal Accountability and Enhancement Act (P.L. 109-435) created the Postal Service Retiree Health Benefits Fund to help fully fund the Postal Service's retiree (annuitant) health benefits liabilities.

This account receives from the Postal Service: 1) the pension savings provided to the Postal Service by the Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108-18) that were held in escrow during 2006; 2) payments defined within P.L. 109-435, and modified by P.L. 111-68, to begin the liquidation of the Postal Service's unfunded liability for post-retirement health benefits; and 3) beginning in 2017, payments for the actuarial cost of Postal Service contributions for the post-retirement health benefits for its current employees. This account also receives any surplus resources of the Civil Service Retirement and Disability Fund that are not needed to finance future retirement benefits under the Civil Service Retirement System to current or former employees of the Postal Service that are attributable to civilian employment with the Postal Service.

As a result of this health benefits financing system, beginning in 2017, the Postal Service will cease to pay annual premium costs for its post-1971 current annuitants directly to the Employees and Retired Employees Health Benefits Fund. Instead, these premium payments will be paid from amounts that the Postal Service remits to this fund. Payments for a proportion of the premium costs of Postal Service annuitants' pre-1971 service would continue to be paid by the General Fund of the Treasury through the Government Payment for Annuitants, Employees Health Benefits account.

## POSTAL SERVICE RETIREE HEALTH BENEFITS FUND

(Legislative proposal, subject to PAYGO)

## Program and Financing (in millions of dollars)

Identification code 24-5391-4-2-551	2012 actual	2013 CR	2014 est.
<b>Obligations by program activity:</b>			
0001 Direct program activity .....		2,912	3,199
0900 Total new obligations (object class 12.1) .....		2,912	3,199
<b>Budgetary Resources:</b>			
Budget authority:			
Appropriations, mandatory:			
1235 Appropriations precluded from obligation .....		2,912	3,199
1260 Appropriations, mandatory (total) .....		2,912	3,199
1930 Total budgetary resources available .....		2,912	3,199
<b>Change in obligated balance:</b>			
Unpaid obligations:			
3010 Obligations incurred, unexpired accounts .....		2,912	3,199
3020 Outlays (gross) .....		-2,912	-3,199
<b>Budget authority and outlays, net:</b>			
Mandatory:			
4090 Budget authority, gross .....		2,912	3,199
Outlays, gross:			
4100 Outlays from new mandatory authority .....		2,912	3,199
4180 Budget authority, net (total) .....		2,912	3,199
4190 Outlays, net (total) .....		2,912	3,199

Under the Postal Accountability and Enhancement Act of 2006 (P.L. 109-435), USPS must make a stream of payments set in statute through 2016 toward paying down retiree health benefit unfunded liabilities, as well as pay annual Federal Employees Health Benefits Program premiums for current retirees. Also under current law, starting in 2017, USPS must pay the per capita accruing costs (or normal cost) to fund future retiree health benefits of current employees and a 40-year amortization of the remaining unfunded liability (UFL) for current retirees. The Budget proposes to shift how the Postal Service (USPS) pre-funds



**POSTAL SERVICE FUND—Continued**  
**Program and Financing—Continued**

Identification code 18-4020-7-3-372	2012 actual	2013 CR	2014 est.
<b>Budget authority and outlays, net:</b>			
Mandatory:			
Outlays, gross:			
4100 Outlays from new mandatory authority .....		-5,600	.....
4190 Outlays, net (total) .....		-5,600	.....

This account reflects adjustments to the baseline to reflect the realistic assumption that the United States Postal Service will not make its statutory \$5.6 billion payment to prefund retiree health benefits, which is due to the Office of Personnel Management's Postal Service Retiree Health Benefits Fund by September 30, 2013.

**POSTAL SERVICE FUND**  
(Legislative proposal, subject to PAYGO)

**Program and Financing** (in millions of dollars)

Identification code 18-4020-4-3-372	2012 actual	2013 CR	2014 est.
<b>Obligations by program activity:</b>			
0801 Postal field operations .....	-2,600	-4,430	
0806 Administration and area operations .....	-73	-7,378	
0809 Reimbursable program activities, subtotal .....	-2,673	-11,808	
0900 Total new obligations .....	-2,673	-11,808	
<b>Budgetary Resources:</b>			
Unobligated balance:			
1000 Unobligated balance brought forward, Oct 1 .....			2,678
Budget authority:			
1800 Spending authority from offsetting collections, mandatory:			
Collected .....	5	10	
1850 Spending auth from offsetting collections, mand (total) .....	5	10	
1900 Budget authority (total) .....	5	10	
1930 Total budgetary resources available .....	5	2,688	
Memorandum (non-add) entries:			
1941 Unexpired unobligated balance, end of year .....	2,678	14,496	
<b>Change in obligated balance:</b>			
Unpaid obligations:			
3010 Obligations incurred, unexpired accounts .....	-2,673	-11,808	
3020 Outlays (gross) .....	2,673	11,808	
<b>Budget authority and outlays, net:</b>			
Mandatory:			
4090 Budget authority, gross .....	5	10	
Outlays, gross:			
4100 Outlays from new mandatory authority .....	-2,673	-11,808	
Offsets against gross budget authority and outlays:			
Offsetting collections (collected) from:			
4123 Non-Federal sources .....	-5	-10	
4190 Outlays, net (total) .....	-2,678	-11,818	

The Administration recognizes the enormous value of the Postal Service (USPS) to the Nation's commerce and communications, as well as the urgent need for reform to ensure the future viability of USPS. Therefore, the Budget proposes specific authorities to improve USPS efficiency and net revenue, along with financial relief measures, grounded in principles of fiscal responsibility as well as sound financial management. The Administration will work with the Congress and postal stakeholders to secure these necessary reforms.

As to the structure of relief, the Budget would first improve USPS financial condition by returning to USPS surplus amounts it has paid into its OPM account for its share of Federal Employee Retirement System costs, and require that OPM calculate these costs using factors specific to the demographics of the Postal Service workforce. OPM has determined this surplus, as of September 30, 2011 and based on government-wide demographic

assumptions, is approximately \$2.6 billion. Given the amount of time necessary for OPM to re-calculate this surplus for Postal-specific factors, the Budget would provide the current OPM calculation in 2013, and the remainder of any recalculated surplus in 2014 and 2015. Until OPM has re-calculated the surplus amount using Postal-specific factors, the Budget assumes as a placeholder a total surplus of \$11.5 billion, as estimated by the Postal Service Office of Inspector General in December 2012 (and based on USPS investment returns, salary growth rates, cost of living adjustments granted to Postal retirees, and Postal Service demographic trends).

Second, the Budget proposes to restructure USPS retiree health benefits payments that are currently specified in the Postal Accountability and Enhancement Act of 2006. This change would still prudently pre-fund retiree health liabilities, but on an accruing cost basis rather than the amounts fixed in current law. This restructuring would provide USPS with approximately \$10 billion in temporary financial relief through 2016. The Budget also proposes to codify the two missed RHB payments in 2012; although these amounts are incorporated in the 40-year amortization schedule starting in 2017, they currently remain as outstanding liabilities on the Postal Service financial statement in 2012. See the Office of Personnel Management section of this Appendix for more information on these aspects of the proposal.

In addition, the Budget proposes operational reforms that would do the following: 1) reduce USPS operating costs by giving USPS authority to reduce mail delivery frequency from six days to five days, starting in June 2013; 2) allow USPS to increase collaboration with State and local governments; and 3) give the USPS the ability to better align the costs of postage with the costs of mail delivery by permitting USPS Board of Governors to enact a modest one-time increase in postage rates among market-dominant products, such as first-class and standard mail.

All together, these reforms would provide USPS with over \$30 billion in cash relief, operational savings, and revenue through 2016, and produce PAYGO savings of \$23 billion over 11 years.

**Object Classification** (in millions of dollars)

Identification code 18-4020-4-3-372	2012 actual	2013 CR	2014 est.
<b>Reimbursable obligations:</b>			
12.1 Civilian personnel benefits .....	-2,173	-9,808	
22.0 Transportation of things .....	-500	-2,000	
99.9 Total new obligations .....	-2,673	-11,808	

**UNSPECIFIED ADJUSTMENTS TO OPERATIONS**

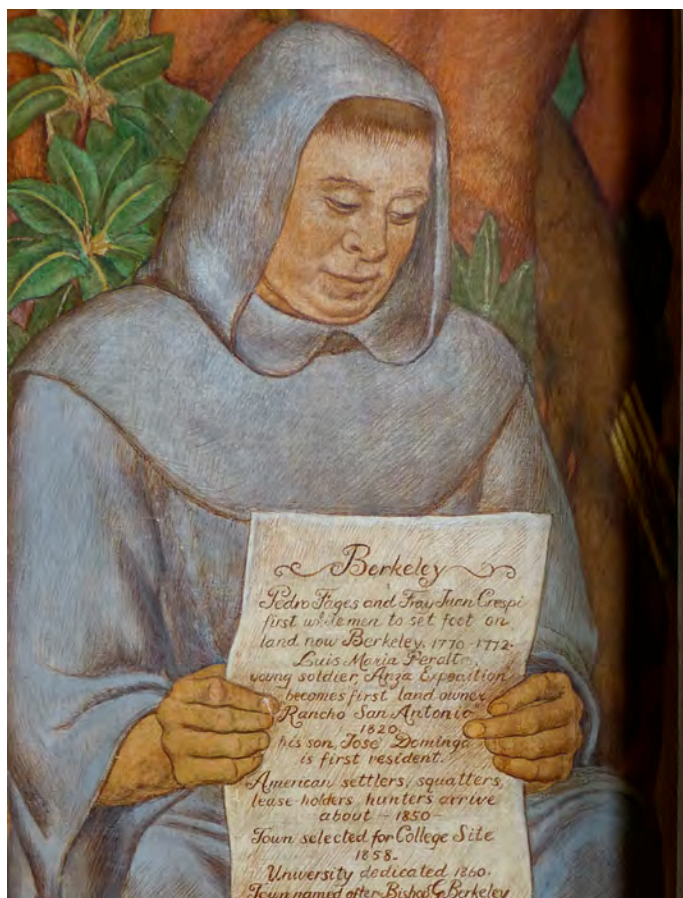
**Program and Financing** (in millions of dollars)

Identification code 18-9017-0-1-372	2012 actual	2013 CR	2014 est.
<b>Change in obligated balance:</b>			
Unpaid obligations:			
3000 Unpaid obligations, brought forward, Oct 1 .....			7,660
3020 Outlays (gross) .....		7,660	6,726
3050 Unpaid obligations, end of year .....		7,660	14,386
Memorandum (non-add) entries:			
3100 Obligated balance, start of year .....			7,660
3200 Obligated balance, end of year .....		7,660	14,386
<b>Budget authority and outlays, net:</b>			
Mandatory:			
Outlays, gross:			
4100 Outlays from new mandatory authority .....	-7,660	-6,726	
4190 Outlays, net (total) .....	-7,660	-6,726	



# To stop the loss of an American legacy

## We need a Moratorium on the sale of America's historic post offices



*On December 8, 2011, twenty senators signed a letter to the leaders of the Senate asking for a moratorium on the closure or consolidation of America's post offices.*

The moratorium on closings was triggered by the letter from the senators, a private meeting between some of the senators and the Postmaster General, lobbying efforts by the two postmaster associations (the League of Postmasters and NAPUS), and perhaps by the vocal protests of citizens across the country who were calling and writing their elected officials. Congress never passed legislation imposing this moratorium; the PMG declared it on his own as a result of all that lobbying, and perhaps for other strategic reasons (to help get postal reform legislation, etc.).

The Postal Service hasn't closed a post office through a discontinuance process since December 2011. Instead, starting in 2012, the USPS has used "relocation" procedures. Typically, these have been real estate transactions involving the sale of properties in the custody of the postal service. Frequently, these post offices have been historic town center post offices and because of their traditional importance to their communities many of these structures have New Deal art works.

# United States Senate

WASHINGTON, DC 20510

December 8, 2011

The Honorable Harry Reid  
Majority Leader  
United States Senate  
S-221 Capitol  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
S-230 Capitol  
Washington, DC 20510

The Honorable Daniel K. Inouye  
Chairman  
Committee on Appropriations  
S-128 Capitol  
Washington, DC 20510

The Honorable Thad Cochran  
Ranking Member  
Committee on Appropriations  
S-146A Capitol  
Washington, DC 20510

Dear Majority Leader Reid, Minority Leader McConnell, Chairman Inouye, and Ranking Member Cochran:

Everyone understands that the United States Postal Service (USPS) is experiencing significant financial problems today and that changes need to be made as the USPS adjusts to a digital world.

To address this serious problem, Congress is in the midst of significantly reforming the postal service. Several bills have been introduced in the Senate and the House on this issue. On November 9<sup>th</sup>, the Senate Homeland Security and Governmental Affairs Committee passed the 21<sup>st</sup> Century Postal Service Act, S.1789, by a vote of 9-1. The House is also moving forward with postal reform legislation.

While we may have very different views on how to financially improve the postal service, we all believe that democratically elected members of the Senate and the House have the responsibility to make significant changes to the postal service.

Unfortunately, we are concerned that the postal service may preempt Congress on this matter by closing or consolidating nearly 3,700 mostly rural post offices, over 250 mail processing facilities, and eliminating overnight delivery for first class mail before postal reform legislation is enacted. While some of these changes may be needed, we believe that it is very important to give Congress the opportunity to reform the postal service in a way that protects universal service while ensuring its financial viability for decades to come.

Therefore, we respectfully ask that you include language in the next appropriations to prevent the USPS from closing or consolidating area mail processing facilities or rural

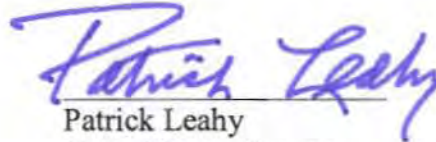
post offices for the next six months. This six month moratorium will give Congress the time needed to enact reforms necessary for the postal service to succeed in the 21<sup>st</sup> century.

We look forward to working with you on this important issue. Thank you for your consideration.

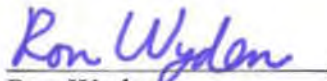
Sincerely,



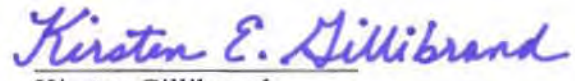
Bernard Sanders  
United States Senator



Patrick Leahy  
United States Senator



Ron Wyden  
United States Senator

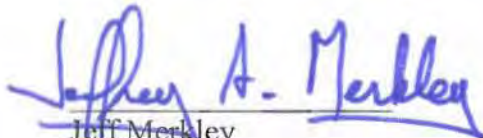


Kirsten Gillibrand  
United States Senator



Mary Landrieu  
United States Senator

Mark Begich  
United States Senator



Jeff Merkley  
United States Senator



John D. Rockefeller IV  
United States Senator



Ben Nelson  
United States Senator

Tim Johnson  
United States Senator



Mark Udall

Mark Udall  
United States Senator

Michael Bennet

Michael Bennet  
United States Senator

Amy Klobuchar

Amy Klobuchar  
United States Senator

Jon Tester

Jon Tester  
United States Senator

Claire McCaskill

Claire McCaskill  
United States Senator

Max Baucus

Max Baucus  
United States Senator

Tom Harkin

Tom Harkin  
United States Senator

Al Franken

Al Franken  
United States Senator

Tom Udare

John F. Kennedy

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# Case Study: Santa Monica



## No outside review, no recourse

*"This is the final decision of the Postal Service with respect to this matter, and there is no further right to administrative or judicial review of this decision."*

— Tom Samra, USPS Facilities U-P

"I urge the Postal Regulatory Commission to ensure that USPS follows the process required to make a decision on the closure of the 5th Street Post Office. I also ask that you suspend any effort to close the 5th Street Post Office pending the outcome of the process for appeals."

—Henry Waxman, Member of Congress

"The Commission lacks jurisdiction over this matter."

—Postal Regulatory Commission

Congressman Waxman was the Chairman of the House Committee on Oversight and Government Affairs in the 110<sup>th</sup> Congress and Ranking Member from 1997 to 2007. The Postal Service is under the jurisdiction of the House Committee on Oversight and Government Affairs.

**Corrected Final Decision  
Relocation of Retail Services in Santa Monica, California  
October 4, 2012**

In accordance with the procedures set forth at 39 C.F.R. 241.4, this is the final decision of the United States Postal Service ("Postal Service") with respect to the relocation of retail services from the Santa Monica Main Post Office at 1248 5<sup>th</sup> Street ("Santa Monica Post Office") to the Santa Monica Carrier Annex at 1653 7<sup>th</sup> Street ("Santa Monica Carrier Annex"). The Postal Service announced its decision to relocate retail services on August 15, 2012. The Postal Service received requests for review from the City of Santa Monica; the Santa Monica Conservancy; the Wilshire Montana Neighborhood Coalition; the Los Angeles Conservancy; the North of Montana Association, and approximately forty postal customers (collectively referred to as "customers"). I have carefully considered all of the concerns expressed in each of the requests for review along with the complete project file relating to the relocation proposal. While I am sympathetic to the concerns raised, for the reasons set forth below, I will not set aside the Postal Service's initial decision.

The concerns raised by the organizations and customers can be grouped into the following areas: (1) impact on historic resources; (2) closure vs. relocation; and (3) negative impact the loss of services in the Santa Monica Post Office will have on the community. Each of these issues is addressed below:

**I Historic Resources**

The Santa Monica Post Office was constructed in 1937 and is eligible for listing in the National Register of Historic Places. The organizations and customers express concern that the building will be sold into private ownership and the building's historic features will not be preserved. There is also concern regarding the applicability of Section 106 of the National Historic Preservation Act ("NHPA").

NHPA requires federal agencies to take into account the effects of their proposed undertakings on historic properties, and when such effects are possible, to initiate and complete the Section 106 consultation process. Section 106 review ensures that federal agencies consider historic properties, along with other factors such as cost and agency mission, in the planning process of proposed undertakings. However, the preservation of every historic property is not the goal of Section 106, nor does Section 106 require a business to continue to operate in a historic property.

NHPA does not apply to this decision to relocate because the relocation of retail services is not an "undertaking" within the meaning of Section 106. An undertaking is a

“project, activity or program” that can result in changes in character or use of historic properties. The relocation of retail services does not alter the character of the Santa Monica Post Office building nor does it change the uses that can be made of the property. There will be no “undertaking” within the meaning of the NHPA until the Postal Service proceeds with the transfer of the Post Office building from Postal Service ownership to private ownership.

## **II. Closure versus Relocation**

The City of Santa Monica asserts that the decision to relocate the Santa Monica Post Office is a consolidation and should be reviewed in accordance with the procedures for discontinuance of a Post Office set forth in 39 C.F.R. 241.3. Moving the retail services currently located at the Santa Monica Main Office to the Santa Monica Carrier Annex falls under 39 C.F.R. 241.4 and is considered to be a relocation because customers will continue to have the same level of access to retail services in the community after retail services are transferred to the Santa Monica Carrier Annex. Moreover, the Annex is only 0.8 mile away from the Santa Monica Post Office. The Carrier Annex’s array of service will be expanded to include retail service in light of the relocation. Hence, these factors make clear that this action is a relocation. The Postal Service took similar actions in Ukiah, California, and Venice, California, and the Postal Regulatory Commission affirmed the Postal Service’s treatment of these actions as relocations.

## **III. Impact on the Community**

The customers and organizations argue that the relocation of the retail services will result in loss of pedestrian access to postal services because they believe the new location is inaccessible for walking customers and is inconvenient for those who rely on public transit. Neither of these concerns is valid. The Santa Monica Carrier Annex is approximately 0.8 of a mile from the Santa Monica Post Office and is readily accessible to pedestrians via paved sidewalks. The Santa Monica Carrier Annex is also accessible by public transit as a bus station is directly across the street. The construction of the light rail system will not impede customer access by foot or car. The Santa Monica Carrier Annex will provide customers on site and on street parking. The current location does not have customer parking. The new location is accessible to pedestrians, those who take public transit and those who drive vehicles. The new location also has more energy efficient building systems, and accommodates the retail counters and post office boxes without expansion of the building. Additionally, the Santa Monica Carrier Annex also provides for safer and better large truck access at the loading platform. The Postal Service will realize an annual cost savings of \$336,179 by moving retail services into the Santa Monica Carrier Annex. The annual cost savings takes into consideration the cost of relocation, which is offset by savings from utilities and maintenance labor.

In reaching this decision, I considered all of the public input received, but the objections expressed do not outweigh the practical and operational benefits for both the Postal

Service and its customers, as well as the financial exigencies facing the Postal Service. With current projections for declining mail volume and the financial condition of the Postal Service, the Postal Service has a duty to make any feasible change to reduce costs and generate revenue. As our customers are no doubt aware, the Postal Service is sustained by the sales of its products and services. It has an obligation to match its retail and distribution networks to the demand for its services from customers. While the Postal Service is not insensitive to the impact of this decision on its customers and the Santa Monica community, the relocation of the Santa Monica Post Office is in the best interest of the Postal Service and its customers.

Accordingly, I conclude that there is no basis to set aside the decision to relocate the Santa Monica Post Office, 1248 5<sup>th</sup> Street, to the Santa Monica Carrier Annex, 1643 7<sup>th</sup> Street. This is the final decision of the Postal Service with respect to this matter, and there is no further right to administrative or judicial review of this decision.

A handwritten signature in black ink, appearing to read "T. A. J. J. J.", is positioned above the title "Facilities".

Facilities



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0530**

HENRY A. WAXMAN  
30TH DISTRICT, CALIFORNIA

September 20, 2012

Shoshana Grove  
Secretary of the Commission  
Postal Regulatory Commission  
901 New York Avenue, NW Suite 200  
Washington, DC 20268-0001

Dear Secretary Grove,

As the Representative of California's 30<sup>th</sup> Congressional District, which includes the City of Santa Monica, I am writing to appeal the United States Postal Service's (USPS) decision to approve the closure of the Santa Monica Post Office located at 1248 5<sup>th</sup> Street and to consolidate its operations at the Santa Monica Carrier Annex located at 1653 7<sup>th</sup> Street.

The 5th Street Post Office is a classified station of the Santa Monica postal installation. In its August 17, 2012 Notice of Approval, USPS described the closure of the 5<sup>th</sup> Street Post Office as a relocation. USPS's decision to terminate all postal operations there, however, and its stated intention to sell the historic building constitutes a discontinuance, which is defined in Handbook PO-101 as "an action in which an independent Post Office, Classified Station, or Classified Branch is permanently closed or consolidated."<sup>1</sup>

In its decision to close the 5th Street Post Office, USPS failed in a number of instances to comply with 39 CFR 241.3, which establishes the rules governing USPS's decisions on post office closures.:

- 1. Notice** -- USPS failed to provide the community with a 60-day notice of the proposed closure. Also, in its Notice of Approval, USPS failed to inform the public of the right to appeal a closure to the Postal Regulatory Commission within 30 days of the date the Final Determination was posted.

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<sup>1</sup> Postal Service-Operated Retail Facilities Discontinuance Guide, Handbook PO-101. (2012, January). United States Postal Service. Pg. 54

- 2. Effect on Community --** USPS did not consider the effect of closing the 5<sup>th</sup> Street Post Office on the community it serves, nor has it communicated the benefits of the Carrier Annex to the community. The 5th Street Post Office, which is located in the heart of Santa Monica, is easily accessible to thousands of residents who walk or depend on public transit. Many seniors and residents with disabilities depend on the easily accessible facility, which has plenty of parking and is well served by multiple local and regional bus lines.

In contrast, the 7th Street Carrier Annex is in a remote location that raises serious questions about access and safety. The Carrier Annex is surrounded on three sides by the 10 Freeway and a one way off-ramp to the south, the Big Blue Bus Maintenance Facility and Bus yard to the west, and a 5-lane stretch of Pacific Coast Highway to the north. On the northwest side, a planned light rail line will run down the middle of Colorado Avenue and terminate at a still unfinished site on 5th and Colorado. Pedestrians currently served by the 5th Street Post Office would have to cross these light rail tracks to get to the Carrier Annex. The attached pictures illustrate the stark contrast between the two locations.

- 3. Economic Savings --** The Notice of Approval does not give a specific reason for the closure beyond stating that “the reason behind this cost-reduction and revenue generation plan is the alignment of USPS workforce and infrastructure with a 20 percent drop in total mail volume over the past three years due to a diversion to electronic communications and business transactions, and other economic factors.”<sup>2</sup> USPS has not provided the community with information about estimated economic savings of the proposed action. It appears, however, that the consolidation of the 5<sup>th</sup> Street Post Office at the remotely located Carrier Annex could result in a decline in revenue.

Finally, the 5<sup>th</sup> Street Post Office is a historic landmark that has been serving the residents of Santa Monica since its dedication in 1938. It is the policy of USPS that any facility project that will have an effect on cultural resources will be undertaken in accordance with Section 106 of the general provisions of the National Historic Preservation Act, 16 U.S.C. 470, et seq., Executive Order 12072 and Executive Order 13006. The Postal Service has failed to demonstrate how it intends to comply with this policy.

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<sup>2</sup> Notice of Approval. (2012, August 17) United States Postal Service

I urge the Postal Regulatory Commission to ensure that USPS follows the process required to make a decision on the closure of the 5<sup>th</sup> Street Post Office. I also ask that you suspend any effort to close the 5<sup>th</sup> Street Post Office pending the outcome of the process for appeals.

Sincerely,

A handwritten signature in blue ink, appearing to read "Henry A. Waxman". The signature is stylized with a large initial "H" and a cursive "A".

Henry A. Waxman  
Member of Congress

ORDER NO. 1588

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Nanci E. Langley, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Robert G. Taub

Santa Monica Post Office  
Santa Monica, California

Docket No. A2013-1

ORDER GRANTING MOTION TO DISMISS

(Issued December 19, 2012)

I. INTRODUCTION AND SUMMARY

On October 9, 2012, the Commission received a petition for review of the closure of the Santa Monica, California post office from Congressman Henry A. Waxman (Petitioner).<sup>1</sup> Petitioner also requested that the Commission suspend the closure pending resolution of the appeal. Petition at 3. In Order No. 1491, the Commission

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<sup>1</sup> Petition for Review Received from Henry A. Waxman Regarding the Santa Monica, CA Post Office 90401, October 9, 2012 (Petition). The Petition was dated September 20, 2012. [The envelope was franked—no postmark.]

gave notice of the appeal, designated a Public Representative, and directed the Postal Service to file the administrative record or a responsive pleading.<sup>2</sup>

## II. PROCEDURAL HISTORY

On October 19, 2012, the Postal Service filed a motion to dismiss this proceeding for lack of jurisdiction.<sup>3</sup> On October 26, 2012, the Public Representative filed an answer supporting the Motion.<sup>4</sup> On November 6, 2012, the City of Santa Monica (City) filed a pleading opposing the Motion and supporting Petitioner with respect to both the appeal of the closure and the request for suspension pending appeal.<sup>5</sup> The Motion is granted.<sup>6</sup>

## III. PARTICIPANT PLEADINGS

*Petitioner.* Petitioner contends that the Commission should set aside the Postal Service's decision regarding the Santa Monica post office. Petition at 1. Petitioner argues that the Postal Service has failed to observe procedures required by 39 CFR 241.3. Specifically, he asserts that the Postal Service failed to provide 60 days' notice of the proposed closure; failed to inform the public of the right to appeal a closure; failed to consider the effect of the closure on the community; failed to provide an estimate of economic savings; and failed to explain how it would comply with policy provisions of the National Historic Preservation Act. *Id.* at 1-2. Petitioner further argues that while the Postal Service may refer to its action as a "relocation," it actually constitutes a discontinuance. *Id.* at 1.

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<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, October 10, 2012 (Order No. 1491).

<sup>3</sup> Motion of United States Postal Service to Dismiss Proceedings, October 19, 2012 (Motion).

<sup>4</sup> Public Representative Response in Support of United States Postal Service Motion to Dismiss Proceedings, October 26, 2012 (PR Response).

<sup>5</sup> Request of the City of Santa Monica to Intervene and Participate in Appeal of Congressman Waxman, November 6, 2012 (City Request).

<sup>6</sup> Given the disposition of the Motion, the request for suspension pending appeal is moot.

*Postal Service Motion.* The Postal Service contends that this appeal should be dismissed because it is not within the Commission's jurisdiction. Motion at 1-2. The Postal Service asserts that the appeal concerns the relocation of a post office, which is an event that falls outside the scope of 39 U.S.C. 404(d)(5).<sup>7</sup> The Postal Service argues that the process for relocating retail operations within the community is governed by 39 CFR 241.4. *Id.* at 5, 9. It states that issues regarding the National Historic Preservation Act were addressed in its final decision concerning the relocation of retail services from the Santa Monica post office to the Santa Monica carrier annex. *Id.* at 3; see also *id.*, Exhibit 3 at 1-2.

The Postal Service states that it plans to relocate retail operations from the Santa Monica post office to the Santa Monica carrier annex, a nearby facility which currently does not offer retail operations. *Id.* at 2. The Postal Service further indicates that there are other alternate access options, including 11 stamp consignment sites located within 1 mile of the Santa Monica post office. *Id.* at 4. The Postal Service argues that in similar circumstances, other appeals have been dismissed by the Commission. *Id.* at 5-8.

*Public Representative.* The Public Representative agrees that the appeal should be dismissed. PR Response at 5. The Public Representative concludes that the Postal Service's actions constitute a relocation of facilities within the community and thus do not give rise to Commission jurisdiction under section 404(d). *Id.* at 3-5. He adds that members of the community participated in proceedings conducted by the Postal Service pursuant to 39 CFR 241.4. *Id.* at 5.

*City of Santa Monica.* The City contends that the Postal Service's decision to vacate and sell the Santa Monica post office constitutes a closing subject to 39 U.S.C. 404(d)(5). City Request at 2-3. In support of this contention, the City relies on dicta from several court cases, which held that the transfer of sorting operations from a post

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<sup>7</sup> The Postal Service also asserts that Petitioner is not a "person served" by the Santa Monica post office and is, therefore, not entitled to appeal. *Id.* at 2 n.3. Given the disposition of the Motion, it is not necessary to address this issue.

office did not constitute a closing. *Id.* at 3-4. The City also contends that the Postal Service failed to follow its own regulations for relocating retail operations, *id.* at 2 n.2, and failed to explain how it had complied with provisions of the National Historic Preservation Act. *Id.* at 6-7.

#### IV. COMMISSION ANALYSIS

Petitioner and the City contend that the Postal Service is closing the Santa Monica post office and in doing so has failed to follow the procedures prescribed by law, including those set forth in 39 CFR 241.3. Petition at 1; City Request at 2-3. Petitioner and the City also assert that the Postal Service has not explained how it complied with provisions of the National Historic Preservation Act. Petition at 2; City Request at 6-7. The Postal Service, on the other hand, argues that its decision to relocate postal operations from one retail facility to a nearby facility is not covered by section 404(d). Motion at 1-2. Both the Postal Service and Public Representative maintain that the Commission lacks jurisdiction over this matter and that this appeal should be dismissed. *Id.* at 5, 9; PR Response at 3-5.

The Postal Service is transferring retail operations from the Santa Monica post office to the Santa Monica carrier annex, a facility located in the same community less than 1 mile from the post office. The Commission has held on numerous occasions that the relocation of retail operations within a community does not constitute a closing or consolidation within the meaning of section 404(d).<sup>8</sup>

The facts of this case are essentially the same as those in Ukiah, Docket No. A2011-21. There, the Postal Service decided to close the *Ukiah*, California post office and transfer retail operations and services to the *Ukiah* carrier annex, located 1 mile from the Ukiah post office. The Commission found that after the transfer of retail

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<sup>8</sup> See Order No. 804, Docket No. A2011-21, Order Granting Motion to Dismiss, August 15, 2011 (*Ukiah*); Order No. 37, Docket No. A2007-1, Order Dismissing Appeal on Jurisdictional Grounds, October 9, 2007; Order No. 1387, Docket No. A2003-1, Order Dismissing Appeal on Jurisdictional Grounds, December 3, 2003; Order No. 696, Docket No. A86-13, Order Dismissing Docket No. A86-13, June 10, 1986; Order No. 436, Docket No. A82-10, Order Dismissing Docket No. A82-10, June 25, 1982 (*Oceana*).



operations “to the Ukiah Carrier Annex, customers will continue to have the same level of access to retail services in the community.” *Ukiah* at 4. Just as in Ukiah, the Postal Service will maintain a post office in Santa Monica. As the Commission stated when it first addressed this issue, “[t]he requirements of section 404([d]) do not pertain to the *specific building* housing the post office; but rather are concerned with the provision of a facility within the community.” *Oceana* at 6 (emphasis added). The City has misconstrued the applicability of section 404(d) by applying it to the elimination of a specific building in Santa Monica as opposed to “the provision of a facility within the community.”<sup>9</sup>

For the foregoing reasons, the Motion is granted and the appeal is dismissed.

*It is ordered:*

The Motion of the United States Postal Service to Dismiss Proceedings, filed October 19, 2012, is granted.

Shoshana M. Grove  
Secretary

Chairman Goldway not participating.

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<sup>9</sup> Petitioner and the City contend that the Postal Service has failed to demonstrate how it intends to comply with section 106 of the National Historic Preservation Act (NHPA). Petition at 2; City Request at 7. The Postal Service’s final decision to relocate retail services within the community specifically found that the “NHPA does not apply to this decision because the relocation of retail services is not an ‘undertaking’ within the meaning of section 106.” Motion, Exhibit 3 at 1. In any event, “[t]he Commission’s role in appeals under section 404(d)(5) does not include responsibility for enforcing the NHPA.” Order No. 1037, Docket No. A2011-49, Order Affirming Determination, December 12, 2011.



**“Frankly, I think the effort to privatize  
(historic post offices) is to remove all signs  
that the government can do great things.”**

**–NYU Professor Steve Hutkins, USA Today, March 21, 2013**

