

June 3, 2013

Final Decision for Relocation of Retail Services in Bronx, New York.

In accordance with the procedures set forth at 39 C.F.R. 241.4, this is the final decision of the Postal Service with respect to the relocation of retail services from the Bronx General Post Office, located at 558 Grand Concourse, Bronx, New York ("Bronx GPO"). The Postal Service announced its decision to relocate retail services on March 14, 2013, and subsequently received several requests for review, including: twenty-one from individual citizens; one from U.S. Congressman Jose E. Serrano; one from the Executive Director of the Bronx River Art Center; one from the Office of the Bronx Borough President that was signed by the Borough President as well as nine New York City Council members, ten New York State Assembly members, six New York State Senate members, and three U.S. House of Representative members (including Serrano); one from the President of the East Bronx History Forum; one from an attorney on behalf of Julio Pablon and the National Post Office Collaborate; and one from the National Trust for Historic Preservation (hereinafter referred to collectively as "the requestors").¹ I have carefully considered all the concerns expressed in each of the requests for review and other correspondence, along with the complete project file relating to the relocation proposal. While I appreciate the concerns raised, for the reasons set forth below, I will not set aside the Postal Service's prior decision.

The concerns raised can be grouped into the following categories: (1) potential impact on historic resources, including the interior murals; (2) failure to comply with historic preservation requirements in Sections 106 and 111 of the National Historic Preservation Act; (3) procedural errors in the decision-making process related to community input; (4) procedural errors relating to environmental considerations; (5) maintaining and accessing postal services; and (6) potential negative impact on the community. The requestors raise similar concerns about the potential impact on historic resources and the environment with respect to the possibility that the property will be sold following the relocation.² Each of these categories of concern is addressed below:

(1) Potential Impact on Historic Resources and (2) Compliance with Sections 106 and 111 of the National Historic Preservation Act ("NHPA").

The requestors expressed concerns that the building, and in particular, the interior lobby murals, would not be preserved, despite their recognized historic and artistic value, if the Postal Service relocates. The requestors voiced fears that the building could be demolished or that the murals could become inaccessible to the public if the property is sold. The requestors suggest that the interior and murals be designated as a historic landmark. The requestors allege that the Postal Service has failed to comply with Sections 106 and 111 of the NHPA.

¹ The Postal Service also received a letter dated March 12, 2013 (predating the initial decision) from the Chairman of Bronx Community Board 7 opposing the sale of the Bronx GPO. The concerns raised therein have also been considered and will be addressed herein.

² The Postal Service's March 14, 2013 determination stated "Plans also include marketing the sale of the property." Nevertheless, a final decision on the sale of the property has not yet been made, and will depend on numerous factors, including but not limited to whether right-sized space is available to relocate current retail services, whether acceptable offers are received, and whether the terms of a sale contract, which will include historic preservation obligations, can be negotiated.

The Bronx GPO is an historic property as defined in the Section 106 regulations because it is listed in the National Register of Historic Places. The Postal Service may initiate consultation under Section 106 when a potential alternative following relocation of retail services from a postal facility may be the sale of the property out of federal ownership. The requestors' concerns regarding preservation of the interior and exterior of the building will be addressed as the Postal Service, the New York State Historic Preservation Officer, and other consulting parties continue to engage in the Section 106 process. The Postal Service does not agree that it has violated the National Historic Preservation Act. The Postal Service voluntarily complies with Sections 106 and 111 of the NHPA. The Postal Service will, in accordance with Section 111, to the extent practicable, consider alternatives for the property, including adaptive uses, leases, or exchanges of historic properties, if doing so will insure the preservation of the historic property.

The interior lobby of the Bronx GPO contains several mural panels by artists Ben Shahn and Bernarda Bryson. The murals are part of the Postal Service Fine Arts Collection. If the Postal Service sells the property, ownership of the murals will remain with the Postal Service. The Postal Service will enter into a loan agreement that provides protection for the artwork and public access to the artwork.

(3) Procedural Errors in Community Relations Process.

The requestors allege errors in the community relations process, claiming that the request to hold the public meeting in the evening was denied, that not enough notice of the public meeting was given, and that the speed in which the relocation determination was made curtailed meaningful public participation.

On December 31, 2012, the Postal Service announced the proposed relocation of the Bronx GPO in a letter to Bronx Borough President Diaz. The Postal Service mailed a copy of the letter to New York Mayor Michael Bloomberg and posted copies of the letter in multiple locations in the Bronx GPO public lobby. The Postal Service also issued a press release to newspapers. On January 29, 2013, the Postal Service posted notice in the Bronx GPO public lobby that a public meeting to explain the proposal to relocate would be held at 10:30 a.m. on Wednesday, February 6, 2013 in the Bronx GPO public lobby located at 558 Grand Concourse in the Bronx. The Postal Service advertised the meeting in a local general circulation newspaper, the New York Post. The Postal Service has no record of a request to change the time of the meeting prior to the meeting date, although the issue of whether the meeting should have been held in the evening was raised during the public meeting.

On February 5, 2013, the Postal Service representatives met with Bronx Borough officials, including the Bronx Borough President's Office Directors of Planning and Development, Community Boards, Communications, and External Affairs, as well as the Empowerment Zone Director of the Bronx Overall Economic Development Corporation. The Postal Service representatives explained the existing use and underutilization of the property, the proposal to relocate retail services to a nearby right-sized location, and the process to solicit and consider input on the proposal.

On February 6, 2013, the public meeting was held and was well attended by residents and local media. The Postal Service representatives explained the existing use and underutilization of the property, the proposal to relocate retail services to a nearby right-sized location, and the process to submit input on the proposal following the meeting. During the meeting, those in attendance raised the same issues as those raised by requestors in this appeal.

The Postal Service accepted written comments on the proposal through March 5, 2013. The opportunity to comment was not limited to those in attendance at the meeting, as one requestor claims. Rather, the comment period was open to all, as evidenced by the posting in the lobby and the handouts, both of which advised those interested where to send written comments.

The Postal Service issued its relocation determination on March 14, 2013 to the Bronx Borough President, with a copy to the Mayor, and posted it in the Bronx GPO public lobby. The Postal Service noted in the determination that appeals from the determination would be accepted for thirty days thereafter.

This chronology demonstrates that the Postal Service complied with the community contact regulations, which are set forth in 39 C.F.R. 241.4(c). The regulations explain the steps to be taken and the minimum amount of time to be allocated at each step. The Postal Service internal analysis prior to the meeting is further evidence that this is the result of a thoughtful process. Further, the Postal Service followed the time periods set forth in the regulations for receiving community input.

The regulations contain no requirement that the public meeting be held in the evening. The concerns expressed in the written appeals mirror the concerns expressed at the public meeting and there is no reason to believe that those in attendance did not adequately represent the concerns of the community in general. I find no procedural errors in the community relations process.

One requestor also expressed concern that the Postal Service had failed to comply with 39 U.S.C. § 404(d), which sets forth factors that should be taken into consideration when determining whether to close or consolidate a post office, and the companion regulations found in 29 C.F.R. § 241.3 relating to discontinuance or closure of a post office. Section 241.3 defines "closing" as an action in which Post Office operations are permanently discontinued *without providing a replacement facility* in the community (emphasis added). These provisions are not applicable because the Bronx GPO is being relocated to a yet to be determined replacement facility in the same zip code.

(4) Procedural Errors with Respect to Environmental Considerations.

One requestor alleges that the Postal Service failed to comply with proper procedures to study the environmental impact of the relocation and potential sale of the Bronx GPO. The requestor suggested the relocation and potential sale would adversely impact asthma sufferers through increased truck traffic taking Bronx mail out of the GPO and returning it the next day for delivery, and increased employee commuting traffic.

The procedures to study the environmental of the proposed relocation and possible sale of the Bronx GPO are governed by the National Environmental Policy Act ("NEPA"). NEPA requires an Environmental Assessment or Environmental Impact Statement only for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). Prior to initiation of the relocation process, the Postal Service evaluated the potential impacts to the physical and cultural environment that would result from relocation of retail operations from the Bronx GPO. The Postal Service determined that the potential impacts would be insufficient to require further study under NEPA. When the Postal Service considers plans for reuse or disposal of the Bronx GPO and more detailed facts are known about the property's new

potential use, it will again comply with all applicable statutory and regulatory requirements under NEPA.

There are no carrier routes housed in or initiated from the Bronx GPO. Therefore, truck traffic will not increase due to the retail relocation. Employee commuting traffic will not increase significantly, if at all, due to the fact that the replacement facility will be in the same general area..

5) Maintaining and Accessing Postal Services

Several requestors expressed concern that relocating from the current location of the Bronx GPO will impact their access to postal services and could impact the level of delivery service that they receive. Some requestors noted that there are senior citizens, immigrants, students, and faculty in the community that rely on access to postal services in the community. Some requestors noted that the hours of operation at the Bronx GPO are more convenient than at other postal locations in the surrounding area.

The Postal Service will only consider relocation space that is convenient and otherwise suitable to our customers and that will meet all postal operational needs. The same services that are currently provided to our customers will be provided at the new location. The hours of operation at the new retail facility will remain the same. No postal jobs will be eliminated as a result of the relocation. The Postal Service's goal is to secure a location as close to the current site as possible and within the same ZIP Code.

The Postal Service has canvassed the neighborhood from the street and observed a number of potential available sites to explore in more detail. Moreover, the Postal Service will not cease operations at the Bronx GPO unless and until a replacement facility is ready for occupancy and use as a Post Office. Further if the Postal Service decides to market the property, the Postal Service will offer potential buyers the opportunity to make an offer that includes a leaseback of a portion of the property so that retail services can remain at the present location in a right-sized space. If any future agreement to sell the property does not include a leaseback option, the Postal Service will not relocate from the current location until the closing of the property sale is imminent. There are no carrier routes housed in or initiated from the Bronx GPO. As a result, the relocation of the retail services currently offered at the Bronx GPO will not impact delivery services to the community.

(6) Potential Negative Impact on the Community

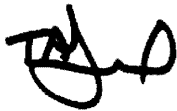
A majority of the requestors expressed concern with the potential negative impact of the relocation of the Bronx GPO on the community. One requestor suggested that the relocation evidences a negative attitude about the Bronx. The Postal Service is not abandoning the Bronx. As explained above, the Postal Service plans to relocate the retail services currently offered at the Bronx GPO to another nearby location in the Bronx and will consider any offers to leaseback space in a right-sized space at the current location. The Postal Service also has a strong presence throughout the Bronx, with over 40 retail locations and other postal facilities located in Bronx County, New York.

Conclusion

While the Postal Service is not insensitive to the impact of this decision on its customers and the Bronx community, the relocation of the Bronx GPO is in the best interest of the Postal Service. I considered all of the public input received but the objections expressed do not outweigh the financial exigencies facing the Postal Service. Under the circumstances here, the Postal Service must make any feasible change to right-size its space, reduce costs, and potentially generate revenue. The Postal Service must operate as a business to be self-sustaining.

Accordingly, I conclude that there is no basis to set aside the decision to relocate the Bronx GPO, presently located at 558 Grand Concourse to a yet to-be-determined location within the same zip code.

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



Tom A. Samra
Vice President
Facilities