

105TH CONGRESS
1ST SESSION

H. R. 1231

To amend title 39, United States Code, to establish guidelines for renovation, relocation, closing, or consolidation of post offices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1997

Mr. BLUMENAUER (for himself, Mr. FROST, and Mr. FOGLIETTA) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 39, United States Code, to establish guidelines for renovation, relocation, closing, or consolidation of post offices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post Office Relocation
5 Act of 1997”.

1 **SEC. 2. GUIDELINES FOR RENOVATION, RELOCATION,**
2 **CLOSING, OR CONSOLIDATION OF POST OF-**
3 **FICES.**

4 Section 404(b) of title 39, United States Code, is
5 amended to read as follows—

6 “(b)(1) The Postal Service, prior to making a deter-
7 mination under subsection (a)(3) of this section as to the
8 necessity for the renovation, relocation, closing, or consoli-
9 dation of any post office, shall provide adequate notice of
10 its intention to renovate, relocate, close, or consolidate
11 such post office at least 60 days prior to the proposed
12 date of such renovation, relocation, closing, or consolida-
13 tion to persons served by such post office.

14 “(2) Such notification shall be made in writing and
15 shall be hand delivered or delivered by mail to persons
16 served by such post office, and shall be published in one
17 or more newspapers of general circulation within the zip
18 codes served by such post office. Such notification shall
19 include—

20 “(A) an identification of the renovation, reloca-
21 tion, closing, or consolidation;

22 “(B) a summary of the reasons for the renova-
23 tion, relocation, closing, or consolidation; and

24 “(C) the proposed date for the renovation, relo-
25 cation, renovation, closing, or consolidation.

1 “(3) Any person served by the post office may offer
2 an alternative renovation, relocation, consolidation, or
3 closing proposal within the 60 day notice period. The Post-
4 al Service shall deliver a response in writing by hand deliv-
5 ery or certified mail to the person making the proposal.
6 In a case in which the Postal Service rejects a bona fide
7 proposal, the Postal Service shall state in writing the rea-
8 sons for the rejection.

9 “(4) At the end of the 60 day notice period, the Post-
10 al Service shall make a determination under subsection
11 (a)(3). Prior to making a final determination, the Postal
12 Service shall conduct a hearing, and persons served by the
13 post office may present oral or written testimony with re-
14 spect to the renovation, relocation, closing, or consolida-
15 tion of such post office. The Postal Service, in making a
16 determination as to whether or not to renovate, relocate,
17 close, or consolidate a post office shall consider—

18 “(A) the extent to which such post office is part
19 of a core downtown business area;

20 “(B) the effect of such renovation, relocation,
21 closing, or consolidation on the community served by
22 such post office;

23 “(C) whether the community served by such
24 post office opposes a renovation, relocation, closing,
25 or consolidation;

1 “(D) the effect of such renovation, relocation,
2 closing, or consolidation on employees of the Postal
3 Service employed at such office;

4 “(E) whether such renovation, relocation, clos-
5 ing, or consolidation is consistent with the policy of
6 the Government, as stated in section 101(b) of this
7 title, that the Postal Service shall provide a maxi-
8 mum degree of effective and regular postal services
9 to rural areas, communities, and small towns where
10 post offices are not self sustaining;

11 “(F) the quantified long-term economic saving
12 to the Postal Service resulting from such renovation,
13 relocation, closing, or consolidation;

14 “(G) whether postal officials engaged in nego-
15 tiations with persons served by the post office con-
16 cerning the proposed renovation, relocation, closing,
17 or consolidation;

18 “(H) whether management of the post office
19 contributed to a desire to relocate;

20 “(I) the adequacy of the existing post office,
21 and whether all reasonable alternatives have been
22 explored; and

23 “(J) such other factors as the Postal Service
24 determines are necessary.

1 “(5) Any determination of the Postal Service to ren-
2 ovate, relocate, close, or consolidate a post office shall be
3 in writing and shall include the findings of the Postal
4 Service with respect to the considerations required to be
5 made under paragraph (4) of this subsection. Such deter-
6 mination and findings shall be made available to persons
7 served by such post office.

8 “(6) The Postal Service shall take no action to ren-
9 ovate, relocate, close, or consolidate a post office until 60
10 days after its written determination is made available to
11 persons served by such post office.

12 “(7) A determination of the Postal Service to ren-
13 ovate, relocate, close, or consolidate any post office may
14 be appealed by any person served by such post office to
15 the Postal Rate Commission within 30 days after such de-
16 termination is made available to such person under para-
17 graph (5). The Commission shall review such determina-
18 tion on the basis of the record before the Postal Service
19 in the making of such determination. The Commission
20 shall make a determination based upon such review no
21 later than 120 days after receiving any appeal under this
22 paragraph. The commission shall set aside any determina-
23 tion, findings, and conclusions found to be—

24 “(A) arbitrary, capricious, an abuse of discre-
25 tion, or otherwise not in accordance with the law;

1 “(B) without observance of procedure required
2 by law; or

3 “(C) unsupported by substantial evidence on
4 the record.

5 The Commission may affirm the determination of the
6 Postal Service or order that the entire matter be returned
7 for further consideration, but the Commission may not
8 modify the determination of the Postal Service. The Com-
9 mission may suspend the effectiveness of the determina-
10 tion of the Postal Service until the final disposition of the
11 appeal. The provisions of section 556, section 557, and
12 chapter 7 of title 5 shall not apply to any review carried
13 out by the Commission under this paragraph.

14 “(8) In a case in which a community has procedures
15 to address the renovation, relocation, closing, or consolida-
16 tion of buildings in the community, and the public partici-
17 pation requirements of such procedures are more stringent
18 than those provided in this subsection, the Postal Service
19 shall follow such procedures and disregard the procedures
20 established in this subsection.

21 “(9) The Postal Service, in making a determination
22 to renovate, relocate, close, or consolidate any post office,
23 shall comply with any zoning, planning, or land use regu-
24 lations, or building codes applicable to State or local public

1 entities, including the zoning authority, of the local juris-
2 diction.”.

3 **SEC. 3. POLICY STATEMENT.**

4 Section 101(g) of title 39, United States Code, is
5 amended by adding at the end the following: “The Postal
6 Service shall also consider the effect a new postal facility
7 may have on the community served by the prior facility.”.

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