



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-152020

JUL 28 1970

Dear Mr. Fraser:

Reference is made to your letter of June 15, 1970, concerning parking facilities for employees of the Minneapolis Post Office. You state that such employees will be severely inconvenienced this summer "when parking facilities close to the main postal facility will be closed" and indicate that there has been a steady deterioration in public transportation service.

You have been informed by the Post Office Department that a decision by this Office prevents the Department from furnishing parking facilities for these employees at Government expense. You ask for the basis for the ruling referred to by the Post Office and urge its reevaluation.

Apparently the decision referred to by the Post Office Department is 43 Comp. Gen. 131 (1963), rendered August 5, 1963, to the Secretary of the Treasury. That decision considered the question of whether the Commandant of the Coast Guard, under his authority to equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments (14 U.S.C. 93(j)), could lease a plot of land adjacent to the Coast Guard Base at Mobile, Alabama, and expend appropriated funds to prepare the land for use as an employee parking lot. In justification for the proposed use of appropriated funds it was explained that the Base was located in a badly deteriorated former commercial area without adequate public transportation and having virtually no parking space on or off nearby streets. The total personnel involved was 181, only a part of which was permanently assigned to the Base, and the number of vehicles to be accommodated each day ranged from 85 to 100 which had to be parked in a wide area around the Base. We held in that case the record did not establish the proposed parking lot was essential to the operation or maintenance of the Base so as to warrant the use of appropriated funds for a purpose that ordinarily was considered the responsibility of the individual, the parking of his private vehicle.

In a decision dated February 9, 1970, B-168096, 49 Comp. Gen. _____, copy enclosed, we held, however, that appropriated funds could be used to lease land for employee parking provided it is determined--under the criteria set forth in GSA Order PBS 7030.2B--essential to do so in order to employ and retain personnel at a particular location and thus avoid a significant impairment of the operating efficiency of the agency involved. That decision was based on the provisions of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 471 et seq.,

Executive Order No. 11035 (27 F.R. 6519), and the above-cited GSA Order which, in effect, implemented the general policies of the Executive order.

While our decision of February 9, 1970, was concerned only with the furnishing of parking for employees in connection with office space leased by the General Services Administration (GSA), GSA Order PBS 7030.2B sets forth the factors that must be considered in connection with providing parking space for Federal employees at Government expense at facilities under the control of GSA, both Government-owned and leased.

With respect to leasing parking space for vehicles of employees in connection with leasing of office space to be assigned to Federal agencies, paragraph 10c. of GSA Order PBS 7030.2B reads as follows:

"Where it is determined that in order to employ and retain personnel to perform the work of the agency or agencies at a particular location, and thus avoid a significant impairment of the operating efficiency of the agency or agencies, parking spaces for vehicles of employees used to provide transportation to and from the place of work may be furnished by the Government. * * *"

We perceive no reason why the substance of paragraph 10c should not be applicable with respect to the leasing of parking space for employees who work in Government-owned buildings.

Some of the pertinent factors to be considered in making a determination under GSA Order PBS 7030.2B (and listed therein) as to whether parking space (and the amount thereof) may be provided Federal employees at Government expense are briefly as follows:

1. availability and capability of public transportation;
2. number of persons per automobile;
3. adequacy of on and off-street parking (public and private); and
4. area where the building is located.

The rationale of our decision of February 9, 1970, would appear equally applicable insofar as providing parking for Federal employees at Government expense who work in federally owned buildings is concerned, provided the

applicable criteria in GSA Order PBS 7030.2B are met. That is to say, if a determination is made in accordance with the pertinent criteria and factors set forth in GSA Order PBS 7030.2B, that the situation is such as to warrant the furnishing of parking to Federal employees at Government expense who work in federally owned buildings, we would perceive no objection to the use of appropriated funds for such purpose, if otherwise proper.

The functions relating to the operation, maintenance and custody of post office buildings not used predominantly for post office purposes may be transferred to the Administrator of GSA (40 U.S.C. 490), but functions relating to the operation, maintenance and custody of post office buildings used predominantly for post office purposes are vested in the Postmaster General. Thus, our decision of February 9, 1970, would be applicable in the case of post office buildings occupied under lease and not used predominantly for postal purposes, provided control of such buildings has been transferred to the Administrator of GSA in accordance with 40 U.S.C. 490.

While post office buildings used predominantly for post office purposes are not under the control of the Administrator of GSA and, hence, GSA Order PBS 7030.2B is not controlling as to such buildings, the Postmaster General has authority to, ^{superintend} generally the business of the Department (39 U.S.C. 501), establish post offices (39 U.S.C. 701), and lease real property necessary in the conduct of the affairs of the Department (39 U.S.C. 2102). Thus, since the operation, maintenance and custody of such buildings is in the Postmaster General, his authority is--as far as pertinent here--similar to the authority vested in the Administrator of GSA insofar as Government buildings and leased space under GSA control are concerned.

Accordingly, if the Post Office Department, using the criteria and factors set forth in GSA Order PBS 7030, 2B, made a determination that the parking situation is such in connection with the Minneapolis Post Office as to warrant providing parking facilities for vehicles of employees of that Office, we would raise no objection to the use of appropriations of the Post Office Department for providing such parking facilities, if the appropriations are otherwise available.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

Enclosure

The Honorable Donald M. Fraser
House of Representatives