



urban policy up

Focus On: Reinvigorating Public Use of GSA Buildings

Public Buildings Cooperative Use Act of 1976

Introduction.....2

Frequently Asked Questions4

General Information.....5

1. Why was the Public Buildings Cooperative Use Act of 1976 enacted?.....5
2. What are the benefits of partnerships between Federal buildings and their communities?.....5
3. How has increased concern with security in Federal buildings changed public access?.....5
4. What kind of uses are allowed in Federal buildings?.....6
5. Who is allowed to use the public spaces in Federal buildings?6
6. How does the public gain access to Federal buildings for commercial, cultural, educational, or recreational use?7
7. Is the application process for short- and long-term public permits subject to competition requirements for contracting?.....7
8. What happens if a request to hold a public event is denied?.....8
9. What about liability issues?8
10. How much does it cost to use space at a public building for an event?8
11. Where does the money from the public go?.....9
12. What rules determine conduct required while using a Federal building?9
13. What if an organization wants to solicit funds in a Federal public space?.....9

14. Can groups use Federal buildings as sites for protests and demonstrations? 10

15. What if a group wants to serve alcoholic beverages during an activity at a Federal building?.... 10

Long-Term Commercial Use..... 10

16. What are the benefits of mixed-use facilities for the Federal Government and the public?..... 11

17. What types of commercial activities are allowed in Federal buildings?..... 11

18. How are commercial activities accommodated in the design and construction process for a new building?..... 11

19. How can a new building include a public café or business at its edge while ensuring that the building is secure?..... 12

20. How can the public use buildings that are no longer occupied by the Federal Government? 12

Getting Started 13

21. As a citizen who has an interest in using a public building for a future use, how do I get started?..... 13

22. What resources are available to GSA associates interested in the public use of the buildings they oversee?..... 13

23. Is the process complicated in terms of the necessary paperwork? 13

Case Studies.....14

Public Buildings Cooperative Use Act of 197616

For More Information.....20

Introduction

Public access to GSA buildings is more important now than ever before.

Since the founding of our nation, openness has been a hallmark of our democracy. In many communities, our Government buildings provide one of the most immediate, accessible ways to communicate this ideal. From Neo-Classical columns and porticoes to contemporary glass atriums and plazas, Americans should feel proud of their public buildings, and through them should feel both welcome and connected to their Government. After all, our buildings represent a tremendous public resource. Our responsibility to the American people, then, is to manage these buildings to realize their full potential, which calls for us to go beyond quality in the built environment to a more active public engagement.

Since the Oklahoma City bombing and the September 11th attacks, security at Federal buildings has become a more significant challenge to public engagement. While essential, many physical and operational security precautions make openness less apparent and public use more difficult. Although this increases the challenge, it does not lessen our responsibility. Rather, we must manage our public buildings not only to protect lives but also to enrich them, and in turn enrich our communities.

To this end, we must renew our commitment to connect our properties to the public. From public events at Federal buildings to new commercial and retail uses that reduce the urban impact of larger setbacks, support for such engagement already exists in the Public Buildings Cooperative Use Act of 1976.

Through this act, the Government may outlease space to nonprofit organizations and commercial entities, and property managers may enliven public spaces within and outside their buildings with farmers markets, concerts, festivals, and other activities. Doing so not only carries out the original intent of the act, to “preserve buildings of historical or architectural significance,” but also creates workplaces that provide more amenities for Federal workers and their communities, thereby generating beneficial local collaborations and greater workplace satisfaction. Public use is good for urban development and makes good business sense, too.

The Urban Development/Good Neighbor Program was created 10 years ago to improve Federal buildings through local cooperation and lively public use. We are issuing this policy update to reaffirm our commitment to the public use of GSA-managed buildings and to suggest how public use can help GSA meet new challenges—to create thriving public buildings despite increased security measures, and to maintain our historic inventory as a civic resource. The Frequently Asked Questions and Case Studies presented here will help both property managers and members of the public wishing to stage an event develop ideas for innovative, mutually beneficial partnerships.

We are committed to the “public” in public buildings and aim to be a positive contributor to neighborhoods wherever Federal buildings, courthouses, and border stations are located. Please let us know how we may help with your efforts and share your experiences by contacting our Urban Development/Good Neighbor Program. □

Anthony E. Costa

Acting Commissioner
Public Buildings Service
U.S. General Services Administration

Frequently Asked Questions

This Urban Policy Update is meant to help GSA property managers, partner organizations, and the public work together to enliven Federal facilities by incorporating public use into the buildings' operations, and even into their design. The Update provides background on GSA's abilities to accommodate public programming and "how-to" guidance on short- and long-term use.

Included throughout are examples from around the country demonstrating successful uses of Federal facilities. These examples provide not only inspiration for other opportunities, but also helpful points of contact for additional questions.

1. Why was the Public Buildings Cooperative Use Act of 1976 enacted?

Although GSA's primary business is providing workplaces for Federal employees, as the Government agency responsible for Federal design and construction we have a unique opportunity to make a genuine difference for neighborhoods as well. Public buildings are indeed a "public" resource, and this intention is carried out by opening our buildings for the breadth of activities they can support. These activities bring new visitors and additional investment to communities, sustain the vitality of Federal buildings through diverse uses, and promote their civic importance, as the spirit of the act intends.

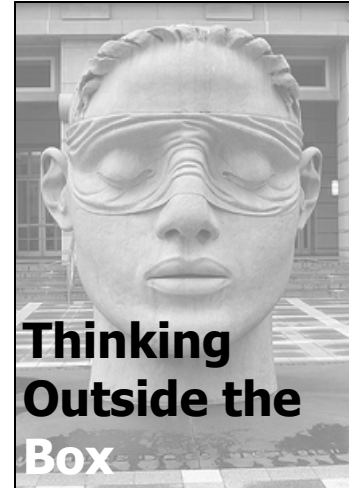
2. What are the benefits of partnerships between Federal buildings and their communities?

Public use of Federal buildings adds vibrancy to the Federal presence in communities and fosters positive interactions with the Government and ensures that these public resources are used to their full potential. Unique cultural, educational, and recreational events increase downtown appeal for tourists and residents, while recurring events, such as farmers markets and concert series, become important neighborhood traditions and generate revenue for the local economy. Publicly accessible retail and restaurant facilities at Federal buildings also create economic and social vitality by turning courthouses, office buildings, and border stations into lively mixed-use development anchors. These innovative partnerships benefit the Federal Government, too, by providing exciting workplaces that increase customer satisfaction at no cost to customer agencies.

3. How has increased concern with security in Federal buildings changed public access?

GSA and Federal agencies are committed to transparency and accessibility to the public even while ensuring that public buildings protect against security threats. Thus, the Public Buildings Cooperative Use Act of 1976 is more important now than ever before to ensure that Federal buildings are assets—not fortresses—in their communities. Many of our most popular public activities, including the farmers market at the Federal Center in Chicago and the Party in the Plaza at the Hanley Federal Building in Syracuse, NY, have continued to be successful while new security measures were implemented. Changes such as increased police presence, which may include a combination of uniformed and plainclothes officers, and reorientation of events in their respective

General Information



Public Use of Federal Buildings

The atmosphere of Federal buildings may be all business, but members of the public should exercise their creativity in seeking to use these spaces. Previous uses have included a broad range of activities, such as the following:

- Farmers markets;
- Concerts;
- Restaurants;
- Weddings;
- An outdoor nightclub;
- A high school prom;
- An aerial dance show; and
- An insect museum. □



Austin, TX

**J.J. Pickle Federal Building
and the Homer
Thornberry Federal
Courthouse**

300 East 8th Street

An unusual dance performance, stellar in every sense of the word, recently graced a Federal building façade in Austin, Texas. After seeing a piece by Austin’s Blue Lapis Light dance company performed on the steel girders of an unfinished office building, the GSA building manager invited the troupe to explore the architectural supports at his facility. The company performed “Constellation” on the opposing facades of the J.J. Pickle Federal Building and the Homer Thornberry Federal Courthouse high above a nighttime crowd on the plaza below. Using light, music, aerial acrobatics, and interpretive dance, the performance showcased these International style Federal buildings and the Federal public space in a completely new way. □

plazas ensure security for the Federal agency but do not diminish public access.

4. What kinds of uses are allowed in Federal buildings?

Federal buildings can, and do, support a wide range of uses. The spaces that public buildings provide for use include public plazas, auditoriums, courtyards, meeting rooms, rooftops, and lobbies. The property manager for a particular building has some discretion over the specific uses allowed to take place there; however, activities generally fall under four categories—commercial, cultural, educational, and recreational. Successful past uses include restaurants and stores, concerts and art exhibitions, day care centers and lectures, and festivals and public markets. Some facilities limit the commercial activities they allow for short-term use, while others do not allow private activities such as wedding receptions. Other facilities, however, have had great success with such events. Activities that are not permissible include solicitation by a for-profit entity or political campaign, partisan political activities, events that are obscene or destructive to Government property, or any activity that interferes with the business of a Government agency or another public use. Those wishing to use Federal space for their activities should be aware of the above prohibitions. Likewise, Federal facilities managers should consult with their regional counsel if they are unsure about whether a requested activity should be permitted and under what terms. Finally, any public use occurs on the condition that GSA has issued a valid permit allowing that activity.

5. Who is allowed to use the public spaces in Federal buildings?

Anyone may apply to use a Federal building for a public use, as long as they follow the application process to receive a permit. Federal agencies must abide by the same laws prohibiting discrimination when allowing public use as they are subject to in any other activity. Federal properties may not be used for partisan political events. Therefore, property managers and the public should be aware that granting permits to politically affiliated groups may violate the Hatch Act and should proceed with caution in seeking and granting those permits. In cases where such a violation may arise or is in question, property managers should consult the necessary legal counsel.

6. How does the public gain access to Federal buildings for commercial, cultural, educational, or recreational use?

Public uses are allowed at Federal buildings, either through a permit for short-term or occasional use, or a lease, for daily or long-term use.

Permits for public use can be easily obtained from a building's property manager by submitting GSA Form 3453, a one-page sheet that requires basic information, including name, contact information, a description of the activity, the space and building requested for use, and copies of any material that will be displayed or distributed. If the use is approved, the property manager will issue a permit—which consists of the signed application form—within 10 days and provide information about any additional parameters on use. The permit will designate the date, time, and location of the approved use.

For long-term use, like the Daily Catch restaurant in Boston's Moakley Courthouse, the Federal Government signs a conventional lease (or outlease) with the operator. This type of use is often accommodated in space built specifically to fill a neighborhood or agency need.

Obtaining a permit, especially for an interior site, does require that the event organizer comply with the security requirements for the location. For events that require access to Federal buildings, visitors to the event may need to enter security screening conducted by the onsite personnel. For events occurring after hours, a security post may be implemented to conduct or assist with screening.

7. Is the application process for short- and long-term public permits subject to competition requirements for contracting?

No, conventional outleases of space within a Federal building for long-term activities, and permits or licenses for single-use activities such as concerts and exhibitions, are not subject to competitive contracting requirements. However, although competitive bidding is not required in the case of an outlease, the Administrator of GSA may establish procedures to ensure that negotiation of the lease occurs fairly with respect to competition and the public interest.



James M. Hanley Federal Building

100 South Clinton Street

Among Syracuse’s most popular summer events is Party in the Plaza, filling the Hanley Federal Building plaza each Wednesday evening from May to August with food, drink, and live music by local bands. The Updowntowners, a nonprofit civic association dedicated to downtown revitalization, organizes the event. Indeed, Party in the Plaza is key to their efforts, both as a huge fundraising event and as an anchor for redevelopment, since the thousands of revelers stay in the city afterwards and support local businesses. When security costs increased recently, the Updowntowners briefly considered finding a new location, but their decision to stay at the Federal Building has proven sound—the event continues to draw substantial crowds despite increased security measures. □

8. What happens if a request to hold a public event is denied?

Permit applications are sometimes denied if an event is already scheduled at the time of the requested event or if the property manager determines that the use should not be permitted. However, applicants may appeal denials of an application or cancellation of an existing permit by notifying the GSA Regional Administrator (RA) in writing of the desire to appeal within 5 calendar days of the denial. During the appeals process both the property manager and the applicant will have the opportunity to state their case, in writing and verbally. The RA will uphold or overturn the denial within 10 calendar days of the day he or she receives the written request for appeal and state the reasons for doing so. If the RA does not announce a decision within this 10-day period, then permission for the requested use is approved.

9. What about liability issues?

Most Federal buildings require groups to sign an indemnity clause stating that the Government is not responsible for loss or damages. Many facilities also require public users to show proof of insurance before holding their event. The required coverage often includes liability protection for bodily injury and property damage for both the users and the Federal Government, and supplemental coverage if alcohol is served. Insurance requirements vary by facility and event, so interested groups must contact the property manager at the Federal building they wish to use to find out further details. Although the requirements do not often contain specific language regarding security measures, incorporating such language is recommended to further indemnify the Government against loss or damages.

10. How much does it cost to use space at a public building for an event?

Events at public buildings can be very cost effective. Short-term or occasional use activities, such as farmers markets, concerts, and other events lasting 30 or fewer calendar days, often incur no fees for use of the space. Event organizers are responsible, however, for costs incurred by GSA due to the event if the event generates additional operating expenses for the agency or if the event occurs outside of normal business hours. Such expenses include security provided by the Federal Protective Service or other contract guards, heating, air conditioning, or porter services such as trash removal. Property managers may choose to waive the fees if they find that doing so would best serve Federal

agencies or would be in the public interest, especially if additional costs are negligible.

For longer-term or commercial outleases on Federal properties, such as cafes, museum spaces, or vendor carts, GSA most often charges a rental rate comparable to what the market charges.

Groups exploring the feasibility of using Federal space for either short- or long-term activities must contact the GSA property manager to determine what specific costs and procedures are involved. GSA's Urban Development/Good Neighbor Program can help to facilitate this. Even where a modest fee is charged, the user group often has the benefit of programming its activity in unique spaces in highly visible public properties, with large audiences of Federal workers and local community members.

11. Where does the money from public use go?

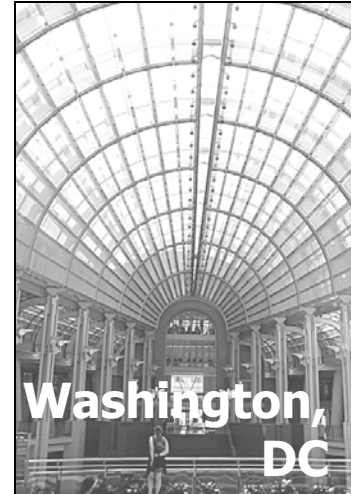
After GSA recovers any additional costs incurred because of the public use (e.g., security, cleaning), money received from the public use is usually deposited into the Federal Buildings Fund. The monies are then available to help fund general GSA operations and maintenance, and the revenue is reflected on the balance sheet for the building. Funds received for public use in historic buildings are dedicated to preservation work in GSA historic buildings.

12. What rules determine conduct required while using a Federal building?

While on Federal property, groups must not misrepresent themselves or conduct fraudulent activity, discriminate on the basis of race, creed, color, disability, sex, or national origin, or distribute any information that has not been previously approved during the space permitting process. Additionally, all activities must comply with the terms of the permit for using the space.

13. What if an organization wants to solicit funds in a Federal public space?

Organizations may solicit funds at a Federal building, provided they meet a few conditions. The group must apply for a permit and submit with the application a signed statement certifying that the applicant represents and will be soliciting funds either for the sole benefit of a religion or religious group, for an organization with IRS tax-exempt



Ronald Reagan Building and International Trade Center

1300 Pennsylvania Avenue, NW

The Reagan Building shows how a Federal building programmed with public use in mind can become a lively civic center. The building's atrium is a popular place to hold major celebrations, gala dinners, wedding receptions and events while the amphitheater features performances by Washington's political comedy troupe "The Capitol Steps." Meanwhile, the Woodrow Wilson Plaza hosts a lively lunchtime concert series, and the building's food court is open to the public. Tourists and employees in the neighborhood enjoy the plaza's Aria restaurant, which was incorporated as an edge use in the building's design. □



Federal Center

230 South Dearborn Street

As autumn arrives, Chicagoans look forward to the annual Oktoberfest, a celebration that brings thousands of people to the Federal Center while raising tens of thousands of dollars for Breast Cancer Network of Strength, a nonprofit organization that aids the area's low-income children. Other lively events are held at the Center throughout the year, such as the popular city-run weekly farmers market, still thriving despite changing security requirements. These events showcase all the assets that the Federal Government can contribute to a city—architectural landmarks, great works of art such as Alexander Calder's bright pink Flamingo, and an urban plaza filled with vitality and community. □

status or that qualifies for this status, or for an organization that has applied for tax-exempt status and not yet received a final ruling. Once the permit is granted, the group may solicit at the location designated by the property manager provided they wear identification badges listing their name, address, telephone number, and organization. They must also follow the guidelines published in the handbook, Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations, available here: <http://www.opm.gov/cfc/html/cfc-regulations.pdf>.

14. Can groups use Federal buildings as sites for protests and demonstrations?

Groups wishing to hold a protest or demonstration have the same access to public buildings as any other group, provided they follow the same rules pertaining to use—the activity must not disrupt the business of a Government agency or another public use, nor can it be destructive to property. Before approving a group's request to use a Federal building for such an activity, the GSA property manager must coordinate with law enforcement organizations and the Federal Protective Service to plan for activities that may lead to a civil disturbance. They may require that protest organizers indicate the number of protestors participating, the reason for protesting, where on the property the protest will occur, and whether organizers anticipate any arrests.

15. What if a group wants to serve alcoholic beverages during an activity at a Federal building?

Alcohol is prohibited on federal property unless a waiver has been granted by the GSA Regional Administrator responsible for that property. To request a waiver, the applicant should include a letter with the permit application detailing the location, date, and time of the event and why they wish to serve alcohol. Alcoholic beverages have been served at some very successful public events at Federal buildings, including the AIR nightclub at the Ronald Reagan Building and International Trade Center in Washington, DC, Oktoberfest at the Federal Center in downtown Chicago, and the Party in the Plaza at the Hanley Federal Building in Syracuse, New York. Note that the applicant's insurer may require additional coverage for these events.

16. What are the benefits of mixed-use facilities for the Federal Government and the public?

For the public, long-term outleases of space for restaurants and retail use may help to activate public spaces at a Federal property and they may help to extend that activity past normal office hours. This type of activity contributes to the social, economic, and cultural health of a neighborhood and can spur additional growth. Such buildings become more desirable neighbors and convey to the public that their Government is accessible and welcomes interaction. These types of uses can help to integrate Federal facilities into the urban fabric and reduce the extent to which a large, single use Federal building may disrupt the urban “street wall” even as building setbacks become larger.

These mixed-use activities also provide value to the Government. In addition to the direct benefits of outleasing revenues, they may provide services and amenities to Federal building users and may help to enhance workplace quality and customer satisfaction.

17. What types of commercial activities are allowed in Federal buildings?

The Public Buildings Cooperative Use Act of 1976 names “restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities” as potential commercial activities in Federal buildings. Some buildings, including GSA headquarters in Washington, DC, include small retail and gift stores that primarily serve employees. But the most visible commercial activities in public buildings are cafés incorporated in new buildings to serve both Federal workers and local communities. Successes include the café at the United States Courthouse in Seattle and the Junction City Café, which occupies its own building on the site of an IRS lease project in Ogden, Utah.

18. How are commercial activities accommodated in the design and construction process for a new building?

Commercial activities may become part of the program for a new building if a customer agency or GSA requests a substantial retail or food service component, or when community input suggests that this use would provide an important link to the neighborhood that is determined to be feasible. At the Moakley Courthouse in Boston, space for a restaurant was incorporated from the outset to help develop a lively



U.S. Courthouse

700 Stewart Street

Seattle's new Federal Courthouse is acclaimed for its distinctive design, but it is the building's plaza that really takes it to the street. The site's naturally sloped topography helps to secure the courthouse, and the steps that lead to the building, provide a series of discrete spaces as opportunities for visitors to relax. The design uses elements the Pacific Northwest, including birch trees, ferns, and another native species of this region—the coffee shop. Along one side of the building, a built-in café blends into the adjacent commercial area. Oriented toward the street rather than the building's interior, employees and visitors use the café frequently. And since it is entered separately from the courthouse itself, coffee drinkers do not have to pass through security to get their daily dose of caffeine. □

waterfront; at the new San Francisco Federal Building, a café on the plaza opens up more space in the building for offices and reduces the urban impact of a large setback from the street. In both cases, GSA receives rent from the tenant and a small portion of profits, so success is in the best interest of all parties. GSA associates interested in incorporating a commercial activity in a new building should request assistance from their regional urban development officer.

19. How can a new building include a public café or business at its edge while ensuring that the building is secure?

Two primary methods ensure that a public café or business at a new Federal building does not compromise the security of the building tenants. In some cases, the commercial component is not within the main building, but is located as a separate building on the adjoining plaza. Such is the case at the new San Francisco Federal Building. The public does not have to pass through security to enter the café and the location is convenient for Federal workers as well. In other cases, the commercial component opens onto a plaza but is within the building itself. Still, the space is made secure by extending part of it away from the building, through structural hardening, and with separate entrances for the Federal building and the commercial activity. Finally, in some cases where there is a large building and visitor population, the commercial activity may be contained within the building, as is the case at the Ronald Reagan Building in Washington, DC. GSA's security experts are excellent resources for successful past examples, costs, and methods for ensuring safe and active Federal buildings. In situations such as these, early involvement of the Federal Protective Service in the leasing negotiation and design concepts is the most cost effective way to proceed.

20. How can the public use buildings that are no longer occupied by the Federal Government?

Property disposal does not fall under the purview of the Public Buildings Cooperative Use Act of 1976, but nonetheless provides opportunities for Government and community partnerships with mutual benefits. GSA's Office of Property Disposal handles the transfer of unneeded Federal property, including buildings, undeveloped land, and single- and multi-family residences. These properties may become housing for the homeless or stay in public use as Government centers or schools, as in the successful case of the Amy Biehl Charter School in Albuquerque,

New Mexico. Contacting the GSA regional office or the Urban Development/Good Neighbor Program staff can help to identify these opportunities.

21. As a citizen who has an interest in using a public building for a future use, how do I get started?

If you already have an activity or use in mind and know where you would like to hold the event, contact the building's property manager to receive the necessary forms and determine costs and requirements specific to that facility. The Urban Development/Good Neighbor program can help to facilitate the conversation. Speak with GSA's Urban Development/Good Neighbor Program staff if you have some ideas for short- and long-term public use of Federal buildings and would like to discuss possible facilities or learn about past examples.

Getting
Started

22. What resources are available to GSA associates interested in public use of the buildings they oversee?

The best use of public buildings—including art exhibitions, concerts, and restaurants—animates spaces that thousands of workers use each day. Members of the public and community organizations often propose these events, and proactive property managers can help ensure that they are regularly featured in their buildings. Likewise, ambitious project managers can help make new Federal buildings lively community anchors. The first place to begin a discussion about public use of a Federal building is with local community leaders and potential event organizers. Additionally, the regional and national staff of the Urban Development/Good Neighbor Program can provide property managers with past examples of successful use, discuss how they were implemented, and supply necessary forms.

23. Is the process complicated in terms of the necessary paperwork?

No. GSA tries to make the process as simple as possible to uphold the spirit and intent of the Public Buildings Cooperative Use Act of 1976. While arrangements for more complex events will require relatively more preparation and coordination, many short-term public use events may require only the brief GSA form 3453. □



New Orleans,
LA

U.S. Custom House

423 Canal Street

GSA plays host to the largest freestanding insect museum in the United States at the Audubon Nature Institute's Insectarium, located in a portion of the first floor of the Custom House. This new home for an extraordinary array of bugs—from the common to the sublime—will bring ants, beetles, butterflies, and their relatives to hundreds of thousands of visitors each year, who will enliven this historic building while contributing to the economic and cultural vibrancy of New Orleans. And the benefit to Federal workers goes beyond providing them an interesting and educational lunch-hour or reason to stay in the city after work—revenue from this outlease comes back to GSA, to fund the preservation of other federally owned architectural landmarks like this one.

Washington,
DC

U.S. Department of Agriculture

12th Street and Independence Avenue, SW

The U.S. Department of Agriculture's Agricultural Marketing Service (AMS) works to link small- and medium-sized farms to buyers. A useful means to accomplish this task is the farmers market—USDA statistics from 2000 report that 19,000 farmers used only this method to sell produce. To walk the walk as well as it talks the talk, USDA began holding its own farmers market in 1996 at agency headquarters. This event has proven exemplary of the potential farmers markets offer not only for revenues but as a community gathering point. The USDA's market is held outdoors each week from June through October and attracts approximately 2,500 visitors each market day. They come to enjoy the warm months in the nation's capital, buy fresh produce from local farms, and listen to the live bands that play each week.

John Joseph Moakley U.S. Courthouse

One Courthouse Way

When it opened in 1998, the Moakley Courthouse represented the unofficial beginning of GSA's renewed emphasis on architectural and artistic excellence; its public use since is also laudable, as the building's activity has played a key role in leading the redevelopment of the South Boston waterfront. The courthouse hosts more than 125 public and more than 30 private events each year—uses that engage both Bostonians and the many visitors to the city. At the building's edge is The Daily Catch, a well-known local seafood restaurant; in front is the Harborpark, a landscaped public space that connects to a path around the waterfront. Inside, the building's management company hosts a diverse program of art exhibitions, holds private functions in the glass atrium, maintains an information center for visitors, and organizes tours and lectures. The Moakley Courthouse was the first major new building to be built in the area known as Fan Pier. But the development it has helped spur includes a new Institute for Contemporary Art and 3 million square feet of residential units, offices, hotels, and retail.

Boston, MA

Alexander Hamilton U.S. Custom House

One Bowling Green

Like Washington, DC's Old Post Office, the plight of which compelled the enactment of the Public Buildings Cooperative Use Act, the U.S. Custom House in New York City is an exemplary historic Federal building that was saved from demolition by public use. The building, which stands near the first settlement of the colony of New York, sat empty after the Custom House moved to the World Trade Center in 1973. Six years later, GSA held a competition for the reuse of the building, and the United States Bankruptcy Court eventually moved in, followed by the Smithsonian's George Gustav Heye Center in 1994, which leases the first and second floors of the building. This museum acts as a satellite to the National Museum of the American Indian in Washington, DC, with research centers, public programs, and changing exhibitions about the history and culture of Native Americans.

New York, NY

Milwaukee Federal Building and U.S. Courthouse

517 East Wisconsin Avenue

The historic Milwaukee Federal Building and U.S. Courthouse has been an important downtown architectural landmark for over a century. The building's atrium has become an important civic landmark as well as host to local gala benefits for charity and numerous celebrations. The atrium pays for itself—all operating costs are covered by user fees—and remains open to the public despite increased security in the Federal building. The many events it has hosted include a concert by local middle school students and a fundraiser for the Milwaukee Symphony Orchestra. □

Milwaukee, WI

Title I of the
Public Buildings
Cooperative Use
Act of 1976

An Act to amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

Public Law 94-541 [S. 865]; Oct. 18, 1976

This title may be cited as the "Public Buildings Cooperative Use Act of 1976".

Section 101

(a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the administrator shall—

Section 102

1. acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;
2. encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;
3. provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and encourage the public use of public buildings for cultural, educational, and recreational activities.

(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968, and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

The Public Buildings Act of 1959 is amended—

Section 103

1. by striking out at the end of section 7(a) (3) the word "buildings;" and inserting in lieu thereof "buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;"
2. by striking out "and" at the end of section 7(a) (4), by redesignating section 7(a) (5) as section 7(a) (6), and by inserting the following new section 7(a) (5): "(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the

Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and;" and by redesignating section 12(c) and section 12(d) and all references thereto as section 12(d) and section 12(e), respectively, and by inserting after section 12(b) the following new section 12(c):

"(c) Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within Sixty days, the Advisory Council on Historic Preservation, established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural or cultural significance (as defined in section 105 of the Public Building Cooperative Use Act of 1976) and (2) would be suitable whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government."

Section 104

(a) Section 210(a) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "and" at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraphs:

"(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

"(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) that will not disrupt the operation of the building;

"(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall

be credited to the appropriation made for such fund applicable to the operation of such building; and

"(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies."

(b) The Federal Property and Administrative Services Act of 1949 is amended by adding at the end of section 210(e), the following: "The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a) (16) or (a) (17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances."

As used in this title and in the amendments made by this title—

Section 105

1. The term Administrator means the Administrator of General Services.
2. The terms "public building" and "Federal agency" have the same meaning as given to them in the Public Buildings Act of 1959.
3. The term "unit of general local government" means any city, country, town, parish, village, or other general purpose political subdivision of a State.
4. The term "historical, architectural or cultural significance" includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).
5. The term "commercial activities" includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.
6. The term "cultural activities" includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.
7. The term "educational activities" includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.
8. The term "recreational activities" includes, but is not limited to, the operations of gymnasiums and related facilities. □



for more information

Please contact: The Urban Development/Good Neighbor Program

Email: goodneighbor@gsa.gov

Web: www.gsa.gov/goodneighbor

**Urban Development/
Good Neighbor Program
Office of the Chief
Architect
Public Buildings Service
U.S. General Services
Administration
1800 F Street NW
Washington, DC 20405**