

§ 101-19.003-6 Public building.

(a) *Public building* means any building, whether for single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects:

- (1) On the public domain (including that reserved for national forests and other purposes),
 - (2) On properties of the United States in foreign countries,
 - (3) On Indian and native Eskimo properties held in trust by the United States,
 - (4) On lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith,
 - (5) On or used in connection with river, harbor, flood control reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects,
 - (6) On or used in connection with housing and residential projects,
 - (7) On military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense),
 - (8) On Veterans Administration installations used for hospital or domiciliary purposes, and
 - (9) The exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.
- (b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

§ 101-19.003-7 United States.

United States, when used in a geographical sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Subpart 101-19.1—General

§ 101-19.100 Intergovernmental consultation on Federal projects.

(a) As used in this section, the following terms will have the meanings defined herein:

- (1) *Planning agencies*. Planning agencies are defined as the Governor of a State or, if there is one, the appropriate A-95 clearinghouse of the State, region, or metropolitan area, and the appropriate local, county, metropolitan, regional, and State planning and environmental authorities.
- (2) *Federal projects*. Federal projects are defined as public buildings construction projects and lease construction projects required to be authorized in accordance with, or in the manner provided by, the provisions of the Public Buildings Act of 1959, as amended; and projects involving a significant change in the use of federally owned property or property to be acquired by exchange in connection with a public buildings project authorized under the provisions of the Public Buildings Act of 1959, as amended, or the Federal Property and Administrative Services Act of 1949, as amended.

(b) GSA will consult with planning agencies, local elected officials, and appropriate Federal agencies to coordinate Federal projects with development plans and programs of the State, region, and locality in which the project is to be located to ensure that all national, regional, State, and local viewpoints are fully considered and taken into account to the extent possible in planning Federal projects. A written statement containing a clear justification for Federal actions that are inconsistent with local plans will be provided the appropriate planning agencies.

(c) The consultation and coordination pursuant to paragraph (b) of this section will be initiated by the GSA Regional Administrator of the region

Federal Property Management Regulations

§ 101-19.100

in which the Federal project is located, and the manner in which the consultation and coordination will be effected is set forth below:

(1) The GSA Regional Administrator will notify the planning agencies at least 30 calendar days before the initiation of any survey conducted for the purpose of preparing a prospectus or Report of Building Project Survey for submittal to the Congress. Notifications of less than 30 calendar days are authorized only in emergency situations. The notification will specify the approximate date(s) on which the survey will be conducted and will request that the GSA Regional Administrator be provided as soon as practicable all pertinent planning and development information that will be considered in connection with the space plan for the community. This information will include city, county, State, and regional plans for land use and development; use of community development funds; neighborhood revitalization; mass transit; highways; flood control; and air, water, solid waste, and other relevant environmental data.

(2) Within 30 calendar days following the approval of a proposed action by the Congress, the GSA Regional Administrator will inform the previously notified planning agencies of the results of the survey. Particular reference will be made to the need, if any, for a new Federal building within a 10-year period or a major lease consolidation which could result in new commercial construction in the community. The letter will request that the GSA Regional Administrator be informed of all changes or refinements in the planning information initially provided, and set forth the following minimum data relative to the proposed Federal project:

- (i) Area or city in which the project will be located;
- (ii) Type of building (office building, post office, courthouse, etc.);
- (iii) Approximate size of building;
- (iv) Specific site location requirements;
- (v) Estimated building population; and
- (vi) Estimated total project cost.

(3) In addition to paragraph (c)(2) of this section, major project designs

should be made available to planning agencies at the conceptual design stage, and information received by GSA 2 or more years prior to commencement of action on a project shall be verified.

(4) When GSA is to conduct a site investigation, propose a significant change in the use of federally owned or leased property that may require a complete environmental assessment resulting in a negative declaration or an environmental impact statement, propose the renovation or extension of an existing federally owned building required to be authorized in accordance with the provisions of the Public Buildings Act of 1959, as amended, acquire property by exchange in connection with the construction of a public building, or issue a Solicitation for Offers in connection with a lease construction project as described in paragraph (a)(2) of this section, the GSA Regional Administrator will notify the planning agencies and the principal elected official(s) of the community where the proposed action will take place not less than 30 calendar days in advance of the initiation of such action. Only verbal notification of planning agencies is required if the site investigation is conducted within 1 year of an announcement under paragraph (c)(1) of this section. The organizations and officials so notified will have the 30-day notice period in which to consult with the GSA Regional Administrator and provide him with data and comments pertinent to the proposed action. Notifications of less than 30 calendar days are authorized only in emergency situations.

(5) When GSA takes action pursuant to §101-47.203-7 of this chapter for the transfer of federally owned real property for a direct project requirement which involves a substantial change in the character of its use, the views of the planning agencies and the principal elected official(s) will be obtained and considered by the GSA Regional Administrator, and these views will be included on GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.

(6) When property is transferred for exchange purposes, the views of the planning agencies and the principal elected official(s) will be considered

§ 101-19.100

41 CFR Ch. 101 (7-1-02 Edition)

prior to consummation of the exchange.

(d) The provisions of paragraph (c) of this section shall not be applied when the Administrator of General Services deems that the application thereof would adversely affect the best interest of the Government.

(e) If GSA has determined that any Federal project under its jurisdiction may significantly affect the quality of the human environment, prior to a final decision concerning that project GSA will provide Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, planning agencies which are authorized to develop and enforce environmental standards, and others as appropriate with an adequate opportunity to review such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (CEQ).

(f) The Federal agencies, planning agencies, and others referred to in paragraph (e) of this §101-19.100 will be notified as follows concerning Federal projects under GSA jurisdiction that are determined to have a significant effect on the human environment:

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of National Environmental Policy Act of 1969, as amended, and the regulations of the Council on Environmental Quality to the Environmental Protection Agency, and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

(2) Thereafter, GSA will submit copies of the draft environmental statement to the appropriate city mayor and to the Federal, State, and local planning agencies for comment. The allowable period for comment shall be 45 calendar days. If requests for extension are made a maximum period of 15 calendar days may be granted.

(3) Comments received from the Federal agencies, planning agencies, and others will be reconciled through coordination with the Federal and State agencies concerned. The environmental statement may be revised to reflect the

additional data and comments obtained. A discussion of problems and objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be included in the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Environmental Protection Agency and to those persons who submitted substantive comments on the draft statement or requested copies of the final statement. Unless waived by EPA, no irreversible or irretrievable action shall be taken on a project until 30 calendar days after submission of the final statement to EPA.

(g) Through the appropriate planning agencies, Health System Agencies and State Health Planning and Development Agencies authorized to perform comprehensive health planning, pursuant to the National Health Planning and Resources Development Act of 1974, shall be provided adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding \$200,000 for modernization, conversion, and expansion of Federal inpatient care facilities that alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical services. Projects to renovate or install mechanical systems, air-conditioning systems, or other similar internal system modifications are excluded. The comments of such agencies or a certification that the agencies were provided a reasonable time to comment and failed to do so shall accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget.

(h) Planning agencies should advise GSA of projects which may present potential areas of joint cooperation by contacting the PBS Regional Commissioner for the region in which the project is located.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

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