

COURTHOUSE CONSTRUCTION

COURTHOUSE CONSTRUCTION FUNDING AND THE JUDICIARY COURTHOUSE PLANNING AND PRIORITIZATION PROCESS

The federal courthouse construction program is administered jointly by the judiciary and the General Services Administration (GSA). The judiciary establishes priorities for courthouse construction projects and sets the housing requirements for each project to ensure that completed facilities meet the needs of the courts. GSA, as the holder of real property authority, secures the funding for courthouse construction, acquires the building site, and completes design and construction work on the facilities themselves.

The judiciary sets forth its priorities for courthouse construction funding on its *Federal Judiciary Courthouse Project Priorities (CPP)* list. The *CPP* is divided into two parts. Part I consists of the judiciary's highest courthouse construction funding priorities. Part II identifies out-year courthouse construction priorities. As described in detail below, the most recent *CPP* includes the following Part I project priorities for fiscal year (FY) 2020: Hartford, CT, and Chattanooga, TN.

MANAGEMENT OF FY 2016 COURTHOUSE CONSTRUCTION FUNDING

In FY 2016, Congress provided \$948 million to GSA for the construction of courthouses on the *CPP* list, as approved by the Judicial Conference in September 2015. This unprecedented infusion of resources fully funded all four projects on Part I of the *CPP* at that time (Nashville, TN; Toledo, OH; Charlotte, NC; and Des Moines, IA), as well as the first four projects on Part II (Greenville, SC; Anniston, AL; Savannah, GA; and San Antonio, TX). A fifth project from Part II (Harrisburg, PA) also received partial funding. In total, of the 11 projects on the September 2015 *CPP*, eight received full funding, and a ninth received partial funding. In addition, \$53 million was appropriated for new construction and acquisition of facilities that are joint U.S. courthouses and federal buildings in Greenville, MS, and Rutland, VT. Joint courthouse/federal building projects are prioritized by GSA and do not appear on the judiciary's *CPP*. All the courthouse projects have been authorized by both the House Committee on Transportation and Infrastructure and the Senate Committee on the Environment and Public Works.

Each of these projects is in a different stage of development. The Administrative Office of the U.S. Courts (AO) continues to engage with GSA, the U.S. Marshals Service (USMS), and other Executive Branch stakeholders on a number of portfolio management activities to ensure that additional milestones are reached, and projects remain on track. These activities include regular coordination and project status meetings; development of a communications and program management plan; establishment of a National Courthouse Change Management Board (the Board) to oversee changes impacting scope, schedule, and budget; and deployment of a program management dashboard to track progress. Ongoing coordination continues among judiciary stakeholders to address issues impacting the portfolio including risks, policies, and best practices.

MANAGEMENT OF FY 2018 COURTHOUSE CONSTRUCTION FUNDING

In FY 2018, Congress provided the remainder of funding needed to complete the project in Harrisburg, PA (\$137.2 million), as well as complete construction funding for two additional projects: Huntsville, AL (\$110.0 million) and Fort Lauderdale, FL (\$190.1 million). Both the Huntsville and Fort Lauderdale projects are awaiting congressional authorization.

UPDATES TO THE CPP

In September 2018, the Judicial Conference of the United States approved an updated *CPP* list for FY 2020 and beyond.

The approved *CPP* (a copy of which is included below) reflects the removal of Harrisburg, PA, Huntsville, AL, and Fort Lauderdale, FL, from Part I due to their being funded in FY 2018. Further, two new locations were added to the *CPP* – Hartford, CT, and Greensboro/Winston-Salem, NC. Based on the judiciary’s Asset Management Planning (AMP) process, Urgency Evaluation scores, and the recommendations in each project’s completed GSA feasibility study, Hartford, CT, was added to Part I of the *CPP*, and Greensboro/Winston-Salem, NC, was added to Part II. In addition, one project was moved up from Part II to Part I – Chattanooga, TN. The two projects on Part I are described in more detail below.

1. *Hartford, Connecticut– \$271.2 million for site acquisition, design, and construction*

The Abraham Ribicoff Federal Building and U.S. Courthouse (Ribicoff Federal Building) in Hartford, CT, is number one on the judiciary’s *CPP* list for FY 2020. GSA estimates that \$271.2 million is required for site acquisition, design, and construction of the new courthouse. No project funding has been appropriated to date.

The Ribicoff Federal Building was constructed in 1963 and houses the district court, bankruptcy court, and court of appeals, among other tenants. The courthouse building currently houses 10 judges (3 district judges, 3 senior district judges, 2 magistrate judges, 1 bankruptcy judge, and 1 circuit judge) and contains 8 courtrooms (4 district, 3 magistrate, and 1 bankruptcy), many of which do not meet *U.S. Courts Design Guide (USCDG)* size standards.

The Ribicoff Federal Building has considerable challenges related to prisoner movement, with no dedicated prisoner elevator and an undersized sally port, prohibiting separate public/prisoner/judge circulation. The U.S. Immigration and Customs Enforcement Office escorts 350-500 prisoners per month in this building. The annex to the Ribicoff Federal Building, constructed in 1991, has ongoing water intrusion, air quality, and HVAC issues. The annex also suffered extensive damage after a major storm in 2008.

2. ***Chattanooga, Tennessee– \$189.1 million for site acquisition, design, and construction***

The Chattanooga U.S. Courthouse is number two on the judiciary’s *CPP* for 2020. GSA estimates that \$189.11 million is needed for site acquisition, design, and construction of the courthouse. No project funding has been appropriated to date.

The existing courthouse, which was constructed in 1933, lacks adequate security, does not provide for future expansion, and does not meet *USCDG* standards. Because of inadequacies in the existing building’s configuration and size, judges, prisoners, and the public must use the same public elevators and corridors. There are not enough courtroom holding cells. The prisoner access route to one of the magistrate judge courtrooms passes through the magistrate judge’s chambers. The building lacks a prisoner sally port, adequate setbacks, or perimeter barriers. The building has ongoing water infiltration issues, mold issues, and a major rat infestation throughout the building, as well as the presence of asbestos. None of the courtrooms meet the recommended size requirements of the *USCDG*, nor accessibility requirements for persons with disabilities.

The FY 2020 CPP is below.

**FEDERAL JUDICIARY COURTHOUSE PROJECT PRIORITIES (CPP) FOR FISCAL YEAR 2020
AS APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES
SEPTEMBER 2018**

The *Federal Judiciary Courthouse Project Priorities (CPP)* is the judiciary’s list of courthouse construction funding priorities as approved by the Judicial Conference of the United States (Judicial Conference). The CPP was developed using the results of the Asset Management Planning (AMP) process. Approved by the Judicial Conference in 2008, AMP is a comprehensive facility planning tool designed to identify the judiciary’s most urgent space needs, address cost-containment concerns, and incorporate applicable industry best practices.

The AMP process incorporates rigorous facility assessments and applies standards that support several of the objectives in the “*Strategic Plan for the Federal Judiciary*.” Each courthouse nationwide is assessed to determine current and future needs, identify preliminary housing solutions as needed, and calculate the relative urgency of need compared to other courts nationwide. Factors considered include building condition, building functionality, security, compliance with space standards, courtroom and chambers needs, and caseload and personnel growth. The resulting data and analysis is compiled in a long-range facilities plan for each judicial district. In addition, an Urgency Evaluation (UE) Results List that ranks space urgency by court location on a "worst first" basis is developed. Each location’s score is updated annually until a project is placed on Part I of the CPP, at which time its score is “frozen” to ensure certainty of planning for site acquisition, design, and funding requests.

The CPP is divided into two parts. Part I, which is provided immediately below, consists of the judiciary’s courthouse construction funding priorities for FY 2020. Part II, on the following page, identifies outyear courthouse construction priorities.

Part I: Fiscal Year (FY) 2020 Courthouse Construction Funding Priorities											
				FUNDING SUMMARY (\$M)							
Priority	District	City	Project Description	FY 2020 Funding Request		Previously Funded		Est.Total	Site Acquired	Status (as of 12/2018)	
				Site/Design	Construction	Site/Design	Construction	Construction			
1	District of Connecticut	Hartford	New Courthouse	37.63	233.54	0.00	0.00	271.17	No	Ph 1 Feas. Study	
2	Eastern District of Tennessee	Chattanooga	New Courthouse	32.00	157.11	0.00	0.00	189.11	No	GSA Feas. Study	
TOTAL:				69.63	390.65	0.00	0.00	460.28			
NOTES:											
- Costs for projects on Part I based on GSA benchmark calculation. Awaiting completion of GSA Phase 2 Feasibility Study to provide final housing solution and cost estimate.											
- Policies pertaining to judiciary courtroom sharing and the exclusion of projected judgeships have been applied to the planning and programming of all projects.											
- All projects have been assessed using the AMP process. UE scores are frozen as of the year the location was added to Part I to ensure certainty of planning for site acquisition, design, and funding requests, and the scores are no longer shown on Part I.											

Part II projects have been assessed under the AMP process and prioritized based on the project location's UE score. As projects in Part I are funded and constructed, the project(s) in Part II that are ranked highest at that time may potentially move to Part I. Until a project is moved to Part I, its UE score will be refreshed each year to capture changes in courtroom needs, chambers needs, and caseload growth, and as a result, its place in the prioritization of Part II projects may change.

Part II: CPP Outyear Courthouse Construction Priorities (Based on 2018 Urgency Evaluation Score)										
				FUNDING SUMMARY (\$M)						
District	City	Project Description	2018 UE Score	Future Request/Unfunded		Previously Funded		Est.Total (Site/Design, Construction)	Site Acquired	Status (as of 12/2018)
				Site/Design	Construction	Site/Design	Construction			
Middle District of North Carolina	Greensboro/W-S	New Courthouse	36.463	30.20	214.10	0.00	0.00	244.30	No	Ph 1 Feas. Study
District of Puerto Rico	San Juan	Annex	33.425	9.38	176.12	0.00	0.00	185.50	Yes	Ph 1 Feas. Study
Southern District of Texas	McAllen	New Courthouse	32.658	27.49	170.97	0.00	0.00	198.46	No	Ph 1 Feas. Study
Eastern District of Virginia	Norfolk	Annex	22.747	12.00	104.70	19.80	0.00	136.50	Yes	Ph 1 Feas. Study
NOTES:										
- Cost estimates for all projects based on GSA Phase 1 Feasibility Study. Awaiting completion of GSA Phase 2 Feasibility Study to provide final housing solution and cost estimate.										
- No site funding needed for San Juan, PR; annex would be constructed on Federally-owned site adjacent to courthouse.										
- Cost estimates for Greensboro/Winston-Salem, NC, and San Juan, PR, include both new construction and repair and alteration funding.										
- Policies pertaining to judiciary courtroom sharing and the exclusion of projected judgeships have been applied to the planning and programming of all projects.										
- All projects have been assessed under the AMP process.										
- GSA feasibility study for Norfolk was completed in 2010 and will be refreshed.										

BACKGROUND:

Federal Judiciary Courthouse Project Priorities (CPP) List

The judiciary compiles a prioritized list of federal construction projects representing the courts' most urgent courthouse construction needs. This prioritization is based on the judiciary's long-range space planning methodology called the AMP process (as discussed below). Prior to FY 2016, this list was referred to as the *Five-Year Courthouse Project Plan (Five-Year Plan)*. In September 2015, the Judicial Conference recognized that the *Five-Year Plan* did not reflect an accurate funding timeline or articulate the relative urgency-of-need for projects on the *Five-Year Plan* (particularly those that remained on the plan for long periods of time). To address these concerns, the Conference adopted a new planning instrument to detail the judiciary's priorities for new construction: the *Federal Judiciary CPP* list.

The *CPP* is a two-part, two-page document. Part I lists the judiciary's highest courthouse construction priorities – projects for which the judiciary will request federal funding in its annual budget submission. The priority order of all projects on Part I will be maintained until a project has been fully funded, at which point the funded project will be removed from Part I. Part II of the *CPP* consists of a separate table that includes the remaining projects that were listed in the out-years of the *Five-Year Plan*. Going forward, prioritization of projects on Part II will be reviewed and updated annually based on the location's Urgency Evaluation (UE) score. New projects may be added to the *CPP* after the completion of a GSA feasibility study that recommends the construction of a new courthouse or annex.

AMP Process

The AMP process was approved by the Judicial Conference in March 2008. The AMP process incorporates rigorous facility assessments and consistently applied objective standards and guidelines to evaluate space needs in federal courthouses throughout the nation. Deliverables of the AMP process include a district-wide Long-Range Facilities Plan, a Facility Benefit Assessment (FBA) score for each courthouse, and an UE ranking for each city. Through these deliverables, the judiciary identifies courthouse space issues by location, preliminary housing solutions, and relative urgency-of-need compared to other courts nationwide.

The FBA score is based upon factors grouped into one of four weighted categories:

1. Building Condition – 30 percent
2. Space Functionality – 30 percent
3. Security – 25 percent
4. Space Standards – 15 percent

The UE ranking is used to determine which courthouses throughout the nation have the most urgent space needs, regardless of the size of the courthouse or type of housing solution. There are four weighted factors used to calculate a courthouse location's UE ranking:

1. Facility Benefit Assessment (FBA) score – 40 percent
2. Judges without chambers – 30 percent
3. Judges without courtrooms based on courtroom sharing policies – 20 percent
4. Projected caseload growth – 10 percent

The annual UE Results List is published early each calendar year to reflect updates in a location's courtroom or chambers needs, changes in caseload growth, and to add new locations that have been evaluated under the AMP process since the issuance of the prior year's UE Results List. To date, 93 of the 94 districts and all 12 circuit headquarters throughout the country have been assessed under the AMP process, and each analyzed courthouse within those districts and circuits will be included on the 2019 UE Results List. For the one district that will not be included, an assessment has been scheduled in calendar year 2019 after completion of major projects with impacts on the evaluation.