

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) 2021: Hartford, CT, and Chattanooga, TN.

MANAGEMENT OF FY 2016 and FY 2018 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 of these courthouse projects have been authorized by both the House Committee on Transportation and Infrastructure and the Senate Committee on the Environment and Public Works.

In FY 2018, Congress provided the remainder of funding needed for 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 have received authorization and are underway.

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 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.

UPDATES TO THE CPP

In September 2019, the Judicial Conference of the United States approved an updated *CPP* list for FY 2021 and beyond.

The approved *CPP* (a copy of which is included below) reflects the addition of one new location to the *CPP* – Bowling Green, KY. Based on the judiciary’s Asset Management Planning (AMP) process, Urgency Evaluation scores, and the recommendations in the project’s completed GSA feasibility study, Bowling Green was added to Part II.

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 2021. 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 11 judges (three district judges (includes one vacancy), four senior district judges, two magistrate judges, one bankruptcy judge, and one senior circuit judge) and contains eight courtrooms (four district, three magistrate, and one 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 FY 2021. GSA estimates that \$189.1 million is needed for site acquisition, design, and construction of the courthouse. No project funding has been appropriated to date.

The existing courthouse was constructed in 1933 and houses the district court, among other tenants. The courthouse building houses five judges (two district judges, one senior district judge, and two magistrate judges) and contains four courtrooms (one district and three magistrate). The bankruptcy court is currently housed in leased space (two bankruptcy judges in two bankruptcy judge courtrooms). The courthouse building 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. Further, 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 2021 *CPP* as approved by the JCUS in September 2019 appears on the following page. However, GSA is in the process of updating some project estimates and these numbers could change accordingly.

**FEDERAL JUDICIARY COURTHOUSE PROJECT PRIORITIES (CPP) FOR FISCAL YEAR 2021
AS APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES
SEPTEMBER 2019**

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 UE rating is updated annually until a project is placed on Part I of the *CPP*, at which time its rating 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 2021. Part II, on the following page, identifies outyear courthouse construction priorities.

Part I: Fiscal Year (FY) 2021 Courthouse Construction Funding Priorities										
				FUNDING SUMMARY (\$M)						
Priority	District	City	Project Description	FY 2021 Funding Request		Previously Funded		Est.Total	Site Acquired	Status (as of 12/2019)
				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	GSA Ph 2 Feas. Study In-Progress
2	Eastern District of Tennessee	Chattanooga	New Courthouse	32.00	157.11	0.00	0.00	189.11	No	GSA Ph 2 Feas. Study In-Progress
TOTAL:				69.63	390.65	0.00	0.00	460.28		

NOTES:

- Costs for projects on Part I are based on GSA benchmark calculation. Both Part I projects are currently undergoing a GSA Phase 2 feasibility study to determine final housing solution. Updated site and construction estimates will be provided upon completion.
- 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 rating. 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 rating 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 2019 Urgency Evaluation Rating)										
				FUNDING SUMMARY (\$M)						
District	City	Project Description	2019 UE Rating	Future Request/Unfunded		Previously Funded		Est.Total (Site/Design, Construction)	Site Acquired	Status (as of 12/2019)
				Site/Design	Construction	Site/Design	Construction			
Western District of Kentucky	Bowling Green	New Courthouse	62.782	15.80	51.10	0.00	0.00	66.90	No	Ph 1 Feas. Study
Middle District of North Carolina	Greensboro/W-S	New Courthouse	38.635	30.20	214.10	0.00	0.00	244.30	No	Ph 1 Feas. Study
District of Puerto Rico	San Juan	Annex	38.053	9.38	176.12	0.00	0.00	185.50	Yes	Feas. Study
Southern District of Texas	McAllen	New Courthouse	37.418	27.49	170.97	0.00	0.00	198.46	No	Ph 1 Feas. Study
Eastern District of Virginia	Norfolk	Annex	24.637	12.00	104.70	19.80	0.00	136.50	Yes	Feas. Study

NOTES:

- Cost estimates are based on GSA benchmark calculation. All locations awaiting completion of GSA Phase 2 feasibility study to provide final housing solution and cost estimate.
- Cost estimates for Greensboro/Winston-Salem, NC, and San Juan, PR, include both new construction and repair and alteration funding.
- A Feasibility Study was completed in 2015 and needs to be refreshed. GSA is currently conducting a study on seismic vulnerabilities at the San Juan, PR, courthouse complex. Completion of the study may impact 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.
- 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 needs to 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 Asset Management Planning (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 – in numbered priority order. The priority order of all projects on Part I is maintained until a project has been fully funded, at which point the funded project is removed from Part I. Part II of the *CPP* consists of a separate table that includes the remaining projects. Prioritization of projects on Part II is 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. 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 and 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, all 94 districts and circuit headquarters throughout the country have been assessed under the AMP process.