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FEDERAL COURTHOUSE CONSTRUCTION

Nationwide Space and Cost Issues Are Applicable to L.A. Courthouse Project

Highlights of [GAO-12-206T](#), a testimony to the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

In 2000, as part of a multibillion-dollar courthouse construction initiative, the judiciary requested and the General Services Administration (GSA) proposed building a new courthouse in Los Angeles to increase security, efficiency, and space—but construction never began. About \$400 million was appropriated for the L.A. courthouse project. For this testimony, GAO was asked to report on (1) the status of the L.A. courthouse project, (2) challenges GAO has identified affecting federal courthouses nationwide, and (3) the extent to which these challenges are applicable to the L.A. courthouse project.

This testimony is based on [GAO-10-417](#) and GAO's other prior work on federal courthouses, during which GAO analyzed courthouse planning and use data, visited courthouses, modeled courtroom sharing scenarios, and interviewed judges, GSA officials, and others.

In [GAO-10-417](#), GAO recommended that (1) GSA ensure that new courthouses are constructed within their authorized size or, if not, that congressional committees are notified, (2) the Judicial Conference of the United States retain caseload projections to improve the accuracy of its 10-year-judge planning, and (3) the Conference establish and use courtroom sharing policies based on scheduling and use data. GSA and the judiciary agreed with most of the recommendations, but expressed concerns with GAO's methodology and key findings. GAO continues to believe that its findings were well supported and developed using an appropriate methodology.

View [GAO-12-206T](#). For more information, contact Mark L. Goldstein at (202) 512-2834 or goldsteinm@gao.gov.

What GAO Found

GAO reported in 2008 that GSA spent about \$33 million on design and site preparations for a new 41-courtroom L.A. courthouse, leaving about \$366 million available for construction. However, project delays, unforeseen cost escalation, and low contractor interest had caused GSA to cancel the project in 2006 before any construction took place. GSA later identified other options for housing the L.A. Court, including constructing a smaller new courthouse (36 courtrooms) or using the existing courthouses—the Spring Street Courthouse and the Edward R. Roybal Federal Building and Courthouse. As GAO also reported, the estimated cost of the 36-courthouse option as of 2008 was over \$1.1 billion, significantly higher than the current appropriation.

The challenges that GAO has identified in recent reports on federal courthouses include increasing rent and extra operating, maintenance, and construction costs stemming from courthouses being built larger than necessary. For example, in 2004, the judiciary requested a \$483 million permanent, annual exemption from rent payments to GSA due to difficulties in paying for its increasing rent costs. GAO found in 2006 that these increasing rent costs were primarily due to increases in total courthouse space—and in 2010, GAO reported that more than a quarter of the new space in recently constructed courthouses is unneeded. Specifically, in the 33 federal courthouses completed since 2000, GAO found 3.56 million square feet of excess space. This extra space is a result of (1) courthouses exceeding the congressionally authorized size, (2) the number of judges in the courthouses being overestimated, and (3) not planning for judges to share courtrooms. In total, the extra space GAO identified is equal in square footage to about 9 average-sized courthouses. The estimated cost to construct this extra space, when adjusted to 2010 dollars, is \$835 million, and the estimated annual cost to rent, operate and maintain it is \$51 million.

Each of the challenges GAO identified related to unnecessary space in courthouses completed since 2000 is applicable to the L.A. courthouse project. First, as GAO reported in 2008, GSA designed the L.A. Courthouse with 13 more courtrooms than congressionally authorized. This increase in size led to cost increases and delays. Second, in 2004, GAO found that the proposed courthouse was designed to provide courtrooms to accommodate the judiciary's estimate of 61 district and magistrate judges in the L.A. Court by 2011—which, as of October 2011, exceeds the actual number of such judges by 14. This disparity calls into question the space assumptions on which the original proposals were based. Third, the L.A. court was planning for less courtroom sharing than is possible. While in 2008 the judiciary favored an option proposed by GSA that provided for some sharing by senior judges, according to GAO's 2010 analysis, there is enough unscheduled time in courtrooms for three senior judges to share one courtroom, two magistrate judges to share one courtroom, and three district judges to share two courtrooms. In 2011, the judiciary also approved sharing for bankruptcy judges. Additional courtroom sharing could reduce the number of additional courtrooms needed for the L.A. courthouse, thereby increasing the potential options for housing the L.A. Court.