

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 710—RIGHT-OF-WAY AND REAL ESTATE

Subpart A—General

Sec.

- 710.101 Purpose.
- 710.103 Applicability.
- 710.105 Definitions.

Subpart B—Program Administration

- 710.201 State responsibilities.
- 710.203 Funding and reimbursement.

Subpart C—Project Development

- 710.301 General.
- 710.303 Planning.
- 710.305 Environmental analysis.
- 710.307 Project agreement.
- 710.309 Acquisition.
- 710.311 Construction advertising.

Subpart D—Real Property Management

- 710.401 General.
- 710.403 Management.
- 710.405 Air rights on the Interstate.
- 710.407 Leasing.
- 710.409 Disposals.

Subpart E—Property Acquisition Alternatives

- 710.501 Early acquisition.
- 710.503 Protective buying and hardship acquisition.
- 710.505 Real property donations.
- 710.507 State and local contributions.
- 710.509 Functional replacement of real property in public ownership.
- 710.511 Transportation enhancements.
- 710.513 Environmental mitigation.

Subpart F—Federal Assistance Programs

- 710.601 Federal land transfer.
- 710.603 Direct Federal acquisition.

AUTHORITY: 23 U.S.C. 101(a), 107, 108, 111, 114, 133, 142(f), 145, 156, 204, 210, 308, 315, 317, and 323; 42 U.S.C. 2000d *et seq.*, 4633, 4651–4655; 49 CFR 1.48(b) and (c), 18.31, and parts 21 and 24; 23 CFR 1.32.

SOURCE: 64 FR 71290, Dec. 21, 1999, unless otherwise noted.

Subpart A—General

§ 710.101 Purpose.

The primary purpose of the requirements in this part is to ensure the prudent use of Federal funds under title 23 of the United States Code in the acquisition, management, and disposal of real property. In addition to the requirements of this part, other real property related provisions apply and are found at 49 CFR part 24.

§ 710.103 Applicability.

This part applies whenever Federal assistance under title 23 of the United States Code is used. The part applies to programs administered by the Federal Highway Administration. Where Federal funds are transferred to other Federal agencies to administer, those agencies' procedures may be utilized. Additional guidance is available electronically at the FHWA Real Estate services website: <http://www.fhwa.dot.gov/realestate/index.htm>

§ 710.105 Definitions.

(a) Terms defined in 49 CFR part 24, and 23 CFR part 1 have the same meaning where used in this part, except as modified in this section.

(b) The following terms where used in this part have the following meaning:

Access rights means the right of ingress to and egress from a property that abuts a street or highway.

Acquiring agency means a State agency, other entity, or person acquiring real property for title 23 of the United States Code purposes.

Acquisition means activities to obtain an interest in, and possession of, real property.

Air rights means real property interests defined by agreement, and conveyed by deed, lease, or permit for the use of airspace.

Airspace means that space located above and/or below a highway or other transportation facility's established grade line, lying within the horizontal