Sec. 101. Definitions and declaration of policy

(a).

(3) CONSTRUCTION.—The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of highway, including bond costs and other costs relating to the...Such term includes—

(C) acquisition of rights-of-way;
Sec. 109 Standards

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, bikeways, gutters, ditches, and side slopes, and of sufficient width to provide service roads to adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.
PART 710

Sec. 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.

Sec. 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