

SB298 ENGROSSED



1 WFT29E-2
2 By Senators Jones, Gudger, Elliott, Scofield, Sessions,
3 Butler, Weaver, Livingston, Barfoot, Bell, Shelnut, Kelley,
4 Beasley, Price, Figures, Stewart, Hovey, Allen, Reed,
5 Smitherman, Hatcher, Coleman-Madison, Singleton, Chesteen,
6 Melson, Waggoner, Roberts, Coleman
7 RFD: Finance and Taxation Education
8 First Read: 04-May-23
9 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to outdoor recreation; to provide for the development of a strategic trail network; to provide for grants for qualified donations of donated property; to create the Sweet Trails Alabama Project Fund and the Sweet Trails Alabama Acquisition Fund and provide for the use of monies in the funds; and to further provide for the liability of property owners for recreational use of certain property and abutting property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) ABUTTING PROPERTY. Any property that has any common boundary with a greenway trail or any other property that is within 25 feet of a greenway trail.

(2) ACQUISITION FUND. The Sweet Trails Alabama Acquisition Fund.

(3) CORPORATION. The Alabama Innovation Corporation.

(4) COUNCIL. The Alabama Council on Outdoor Recreation.

(5) DEVELOPER. The organization selected by the council pursuant to this act to develop a master plan.



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29 (6) DONATED PROPERTY. The real property constituting a
30 qualified donation made pursuant to this act.

31 (7) ELIGIBLE DONOR. Any person who owns an interest in
32 a qualified donation.

33 (8) FAIR MARKET VALUE. The most recent estimated value
34 of the donated property as determined by the local county tax
35 assessing official pursuant to Article 1 of Chapter 7 of Title
36 40, Code of Alabama 1975.

37 (9) GREENWAY TRAIL. A shared-use path, multi-use trail,
38 rail-trail, sidepath, or other similar type of path or trail.
39 A greenway trail may be paved or unpaved and shall support
40 both pedestrians and bicycles.

41 (10) PROJECT. The Sweet Trails Alabama Project.

42 (11) PROJECT FUND. The Sweet Trails Alabama Project
43 Fund.

44 (12) QUALIFIED DONATION. A fee simple conveyance
45 donated and accepted for use in a manner consistent with this
46 act.

47 Section 2. (a) Subject to an appropriation made by the
48 Legislature for the purposes of implementing the project, the
49 council, as empowered by the corporation, may contract with an
50 organization who may act as the developer for purposes of this
51 act.

52 (b) Subject to approval by the council, the developer
53 may do all of the following:

54 (1) Develop, in coordination with state, public, and
55 private entities, a master plan for a network of greenway
56 trails throughout the state that shall be known as the Sweet



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57 Trails Alabama Project.

58 (2) Perform any feasibility studies or other
59 preparatory work as may be necessary to develop the master
60 plan.

61 (c) Any master plan approved by the council shall
62 consider all of the following goals:

63 (1) To aid in establishing and maintaining an
64 innovation ecosystem in the state.

65 (2) To provide access and economic impacts that are
66 inclusive and reflect the racial, gender, geographic, urban,
67 rural, and economic diversity of the state.

68 (3) To take advantage of all available state and
69 federal funding programs for trail development and
70 enhancement.

71 (d) Unless otherwise provided by law, any grants from
72 the funds created by Section 7 utilizing state appropriations
73 are deemed to have the following priority:

74 (1) In the first phase, funding shall support a
75 strategic trail network of north-south and east-west greenway
76 trails including sections in at least half of the state's
77 counties.

78 (2) In the second phase, funding shall support
79 extensions of the network into every county in the state.

80 (3) In the final phase, funding shall support ongoing
81 maintenance of the network and coordination with local
82 communities to establish additional trail points connecting
83 the network to other outdoor recreation assets.

84 (e) The program may consider the following goals:



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85 (1) Connect all 67 counties and all key locations
86 throughout the state.

87 (2) Increase opportunities for outdoor recreation and
88 physical activity.

89 (3) Foster interconnectivity between urban and rural
90 areas.

91 (4) Provide alternative transportation options to help
92 integrate recreation into work, education, and daily life.

93 (5) Offer accessibility for people of different
94 abilities, ages, and backgrounds.

95 (6) Create opportunities for tourism and economic
96 development.

97 (7) Capitalize on local, regional, public, and private
98 partnerships.

99 (8) Promote conservation through education and public
100 awareness.

101 (9) Capitalize on all existing trails, trail networks,
102 and trail initiatives in the state.

103 (f) The program may incorporate the following design
104 principles:

105 (1) Cohesion. The program shall incorporate branding,
106 signage, and wayfinding to minimize confusion and create a
107 user-friendly experience.

108 (2) Safety. The program shall prioritize separation
109 between roadways and greenway trails and shall minimize road
110 crossings. Efforts should be made to increase visibility and
111 decrease human error.

112 (3) Scenic Beauty. The program's design shall showcase



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113 the diversity and beauty of the state.

114 (4) Accessibility. Trails shall be designed for comfort
115 and differing abilities and to minimize drastic changes in
116 slope or repeated stops.

117 (5) Connectivity. Routes should be as direct as
118 possible while connecting as many communities as possible.

119 (g) Any master plan approved by the council may
120 consider the following outdoor assets:

121 (1) Existing and planned greenway trails.

122 (2) Public lands, including, but not limited to, state
123 parks, forest lands, the Forever Wild Land Trust, and
124 conservation areas.

125 (3) Access points to blueways and hiking trails,
126 especially National Water Trails, National Recreation Trails,
127 and Alabama Scenic River Trails.

128 (4) Historically significant trails, roads, abandoned
129 railways, and outdoor sites.

130 (5) Land potentially suitable for railbanking.

131 (6) Tourism trails and general tourist destinations.

132 (h) Any master plan approved by the council may
133 consider the following additional factors when determining the
134 route for the proposed program:

135 (1) Access for residents of tribal lands.

136 (2) Coordination with regional planning commissions.

137 (3) Potential for economic development in economically
138 distressed areas.

139 (4) Possibilities for federal alternative
140 transportation project funding.



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141 (5) Capacity to minimize road crossings and avoid long
142 distances adjacent to heavy-use roadways.

143 (6) Coordination with the Department of Transportation
144 to avoid impeding utilities, drainage, and state right-of-way
145 access.

146 Section 3. Subject to Section 6, upon approval of a
147 master plan pursuant to Section 2 by the council as empowered
148 by the corporation, shall implement a strictly voluntary
149 system by which eligible donors may apply for grants for
150 qualified donations of donated property.

151 Section 4. (a) The council may provide grants to public
152 or private entities engaged in the construction or operation
153 of greenway trails for any legitimate purpose related to
154 greenway trails compatible with the master plan using monies
155 from the project fund.

156 (b) Any entity that receives grant money from the
157 project fund shall enter into a contract with a public or
158 private entity regarding the construction of signs, fences,
159 barriers, or other structures relating to any property or
160 property interest donated or transferred for purposes of
161 greenway trails compatible with the master plan.

162 (c) At the request of the owner of an abutting
163 property, any entity that receives grant money from the
164 project fund shall direct their contractor to erect a barrier
165 clearly delineating where the trail property ends and private
166 property begins. The barrier shall be erected within a
167 reasonable time following the submission of the request and at
168 no cost to the owner of the abutting property. This subsection



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169 shall only apply to sections of a greenway trail that
170 benefited from grant money from the project fund pursuant to
171 this act.

172 (d) When carrying out any activities required by
173 Section 2(a), the developer shall be exempt from the
174 requirements of subsection (b).

175 Section 5. (a) The protections from liability under
176 Article 2 of Chapter 15 of Title 35, Code of Alabama 1975,
177 shall extend to both of the following:

178 (1) Any donated property for so long as that property
179 is used as a greenway trail in a manner that complies with the
180 master plan.

181 (2) The owner, lessee, or person otherwise in control
182 of an abutting property, regardless of whether they have
183 opened the abutting property to recreation in accordance with
184 Article 2 of Chapter 15 of Title 35, Code of Alabama 1975,
185 provided that the abutting property is fenced and the fence is
186 reasonably maintained or that the property owner has requested
187 a fence to be constructed and is awaiting construction of the
188 fence.

189 (b) Subsection (a) shall not be construed to remove the
190 protections from liability under Article 2 of Chapter 15 of
191 Title 35, Code of Alabama 1975, from any property that is
192 otherwise eligible for those protections pursuant to that
193 article.

194 Section 6. (a) Any eligible donor who makes a qualified
195 donation of donated property for use as a greenway trail may
196 apply for a grant pursuant to this section. Any eligible donor



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197 who elects not to apply for a grant pursuant to this section
198 is free to enter into any other arrangement available to the
199 eligible donor under law or contract in lieu of a grant
200 pursuant to this section.

201 (b) (1) An eligible donor shall be eligible to apply for
202 a grant for each qualified donation under this act.

203 (2) The grant shall be equal to 25 percent of the fair
204 market value of the donated real property, but shall not
205 exceed two hundred fifty thousand dollars (\$250,000).

206 (c) Grants approved pursuant to this section shall be
207 paid using monies from the acquisition fund.

208 (d) At the end of each fiscal year, any monies
209 remaining in the acquisition fund shall be transferred to the
210 project fund.

211 Section 7. (a) There is created within the State
212 Treasury the Sweet Trails Alabama Project Fund and the Sweet
213 Trails Alabama Acquisition Fund to receive gifts, grants, and
214 appropriations. Amounts deposited in the funds shall be
215 budgeted and allotted in accordance with Sections 41-4-80
216 through 41-4-96, inclusive, and Sections 41-19-1 through
217 41-19-12, inclusive, Code of Alabama 1975.

218 (b) The council may use monies in the project fund or
219 the acquisition fund to provide grants as authorized in this
220 act or to compensate the developer for work performed pursuant
221 to Section 2(a).

222 Section 8. The state, or any subdivision of the state,
223 shall not use the powers of eminent domain provided in Title
224 18 of the Code of Alabama 1975, to execute any provision of



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225 this act.

226 Section 9. This act shall become effective immediately
227 following its passage and approval by the Governor, or its
228 otherwise becoming law.

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231 Senate

232 Read for the first time and referred04-May-23
233 to the Senate committee on Finance
234 and Taxation Education
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236 Read for the second time and placed11-May-23
237 on the calendar:
238 0 amendments
239
240 Read for the third time and passed18-May-23
241 as amended
242 Yeas 30
243 Nays 0
244 Abstains 0
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Patrick Harris,
Secretary.