



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

The Alabama Council on Outdoor Recreation was created by the Board of Directors of the Alabama Innovation Corporation to expand, promote, and protect Alabama's outdoor recreational assets for the enjoyment of current and future Alabamians.

This bill would provide parameters for the Alabama Council on Outdoor Recreation to adopt a master plan for greenway trails throughout the state and to implement a strictly voluntary system by which eligible donors may receive grants for qualified donations of donated property in compliance with the master plan.

This bill would create the Sweet Trails Alabama Project Fund, and provide for the use of monies in the fund to support projects in compliance with the master plan.

This bill would not restrict any public or private entity from accepting donations or transfers of property or property interests for any purpose, nor from developing, establishing, or constructing greenway trails pursuant to other law.

This bill would also provide that the protections from liability afforded by the recreational land use statutes, which insulate private property owners from injuries suffered on certain lands held



29 open by that property owner for public use, apply to  
30 any property donated or transferred for use as a  
31 greenway trail which complies with the master plan for  
32 so long as that property is used for that purpose, and  
33 to any property abutting a greenway trail.

34

35

36

37

A BILL

38

TO BE ENTITLED

39

AN ACT

40

41 Relating to outdoor recreation; to provide for the  
42 development of a strategic trail network; to provide for  
43 grants for qualified donations of donated property; to create  
44 the Sweet Trails Alabama Project Fund and provide for the use  
45 of monies in the fund; and to further provide for the  
46 liability of property owners for recreational use of certain  
47 property and abutting property.

48

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

54 (2) CORPORATION. The Alabama Innovation Corporation.

55 (3) COUNCIL. The Alabama Council on Outdoor Recreation.

56 (4) DEVELOPER. The organization selected by the council



57 pursuant to this act to develop a master plan.

58 (5) DONATED PROPERTY. The real property constituting a  
59 qualified donation made pursuant to this act.

60 (6) ELIGIBLE DONOR. Any person who owns an interest in  
61 a qualified donation.

62 (7) FAIR MARKET VALUE. The most recent estimated value  
63 of the donated property as determined by the local county tax  
64 assessing official pursuant to Article 1 of Chapter 7 of Title  
65 40, Code of Alabama 1975.

66 (8) FUND. The Sweet Trails Alabama Project Fund.

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

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

72 (11) QUALIFIED DONATION. A fee simple conveyance  
73 donated and accepted for use in a manner consistent with this  
74 act.

75 Section 2. (a) Subject to an appropriation made by the  
76 Legislature for the purposes of implementing the project, the  
77 council, as empowered by the corporation, shall contract with  
78 an organization who shall act as the developer for purposes of  
79 this act.

80 (b) Subject to approval by the council, as empowered by  
81 the corporation, the developer shall do all of the following:

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



85 Trails Alabama Project.

86 (2) Perform any feasibility studies or other  
87 preparatory work as may be necessary to develop the master  
88 plan.

89 (c) Any master plan approved by the council, as  
90 empowered by the corporation, shall ensure that the network  
91 laid out in the master plan shall do all of the following:

92 (1) Aid in establishing and maintaining an innovation  
93 ecosystem in the state.

94 (2) Provide access and economic impacts that are  
95 inclusive and reflect the racial, gender, geographic, urban,  
96 rural, and economic diversity of the state.

97 (3) Take advantage of all available state and federal  
98 funding programs for trail development and enhancement.

99 (d) The master plan approved by the council, as  
100 empowered by the corporation, shall include the following  
101 three phases:

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

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

108 (3) In the final phase, funding shall support ongoing  
109 maintenance of the network and coordination with local  
110 communities to establish additional trail points connecting  
111 the network to other outdoor recreation assets.

112 (e) The program shall have the following goals:



113 (1) Connect all 67 counties and all key locations  
114 throughout the state.

115 (2) Increase opportunities for outdoor recreation and  
116 physical activity.

117 (3) Foster interconnectivity between urban and rural  
118 areas.

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

121 (5) Offer accessibility for people of different  
122 abilities, ages, and backgrounds.

123 (6) Create opportunities for tourism and economic  
124 development.

125 (7) Capitalize on local, regional, public, and private  
126 partnerships.

127 (8) Promote conservation through education and public  
128 awareness.

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

131 (f) The program shall incorporate the following design  
132 principles:

133 (1) Cohesion. The program shall incorporate branding,  
134 signage, and wayfinding to minimize confusion and create a  
135 user-friendly experience.

136 (2) Safety. The program shall prioritize separation  
137 between roadways and greenway trails and shall minimize road  
138 crossings. Efforts should be made to increase visibility and  
139 decrease human error.

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



141 the diversity and beauty of the state.

142 (4) Accessibility. Trails shall be designed for comfort  
143 and differing abilities and to minimize drastic changes in  
144 slope or repeated stops.

145 (5) Connectivity. Routes should be as direct as  
146 possible while connecting as many communities as possible.

147 (g) Any master plan approved by the council, as  
148 empowered by the corporation, shall consider the following  
149 outdoor assets:

150 (1) Existing and planned greenway trails.

151 (2) Public lands, including, but not limited to, state  
152 parks, forest lands, the Forever Wild Land Trust, and  
153 conservation areas.

154 (3) Access points to blueways and hiking trails,  
155 especially National Water Trails, National Recreation Trails,  
156 and Alabama Scenic River Trails.

157 (4) Historically significant trails, roads, abandoned  
158 railways, and outdoor sites.

159 (5) Land potentially suitable for railbanking.

160 (6) Tourism trails and general tourist destinations.

161 (h) Any master plan approved by the council, as  
162 empowered by the corporation, shall heed the following  
163 additional considerations when determining the route for the  
164 proposed program:

165 (1) Access for residents of tribal lands.

166 (2) Coordination with regional planning commissions.

167 (3) Potential for economic development in economically  
168 distressed areas.



169 (4) Possibilities for federal alternative  
170 transportation project funding.

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

173 (6) Coordination with the Department of Transportation  
174 to avoid impeding utilities, drainage, and state right-of-way  
175 access.

176 Section 3. Subject to Section 6, the council, as  
177 empowered by the corporation, shall implement a strictly  
178 voluntary system by which eligible donors may apply for grants  
179 for qualified donations of donated property.

180 Section 4. (a) The council, as empowered by the  
181 corporation, may provide grants to public or private entities  
182 engaged in the construction or operation of greenway trails  
183 for any legitimate purpose related to greenway trails  
184 compatible with the master plan.

185 (b) Any entity that receives grant money from the fund  
186 shall enter into a contract with a public or private entity  
187 regarding the construction of signs, fences, barriers, or  
188 other structures relating to any property or property interest  
189 donated or transferred for purposes of greenway trails  
190 compatible with the master plan.

191 (c) At the request of the owner of an abutting  
192 property, any entity that receives grant money from the fund  
193 shall direct their contractor to erect a barrier clearly  
194 delineating where the trail property ends and private property  
195 begins. The barrier shall be erected within a reasonable time  
196 following the submission of the request and at no cost to the



197 owner of the abutting property. This subsection shall only  
198 apply to sections of a greenway trail that benefited from  
199 grant money from the fund or tax credits pursuant to this act.

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

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

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

209 (2) The owner, lessee, or person otherwise in control  
210 of an abutting property, regardless of whether they have  
211 opened the abutting property to recreation in accordance with  
212 Article 2 of Chapter 15 of Title 35, Code of Alabama 1975,  
213 provided that the abutting property is fenced and the fence is  
214 reasonably maintained or that the property owner has requested  
215 a fence to be constructed and is awaiting construction of the  
216 fence.

217 (b) Subsection (a) shall not be construed to remove the  
218 protections from liability under Article 2 of Chapter 15 of  
219 Title 35, Code of Alabama 1975, from any property that is  
220 otherwise eligible for those protections pursuant to that  
221 article.

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





225 who elects not to apply for a grant pursuant to this section  
226 is free to enter into any other arrangement available to the  
227 eligible donor under law or contract in lieu of a grant  
228 pursuant to this section.

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

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

234 Section 7. (a) There is created within the State  
235 Treasury the Sweet Trails Alabama Project Fund to receive  
236 gifts, grants, and appropriations. Amounts deposited in the  
237 fund shall be budgeted and allotted in accordance with  
238 Sections 41-4-80 through 41-4-96, inclusive, and Sections  
239 41-19-1 through 41-19-12, inclusive, Code of Alabama 1975.

240 (b) The council, as empowered by the corporation, may  
241 use monies in the fund to provide grants for any purpose  
242 listed in this act or to compensate the developer for work  
243 performed pursuant to Section 2(a).

244 Section 8. The state, or any subdivision of the state,  
245 shall not use the powers of eminent domain provided in Title  
246 18 of the Code of Alabama 1975, to execute any provision of  
247 this act.

248 Section 9. This act shall become effective immediately  
249 following its passage and approval by the Governor, or its  
250 otherwise becoming law.