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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 authorize the Alabama Council on Outdoor Recreation to adopt a master plan for greenway trails throughout the state.

This bill would provide parameters for the council or any person with whom the council contracts to consider in creating the master plan.

This bill would 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 the Sweet Trails Alabama Acquisition Fund, and provide for the use of monies in the funds 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.



29 This bill would also provide that the
30 protections from liability afforded by the recreational
31 land use statutes, which insulate private property
32 owners from injuries suffered on certain lands held
33 open by that property owner for public use, apply to
34 any property donated or transferred for use as a
35 greenway trail which complies with the master plan for
36 so long as that property is used for that purpose, and
37 to any property abutting a greenway trail.

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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



57 boundary with a greenway trail or any other property that is
58 within 25 feet of a greenway trail.

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

61 (3) CORPORATION. The Alabama Innovation Corporation.

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

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

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

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

69 (8) FAIR MARKET VALUE. The most recent estimated value
70 of the donated property as determined by the local county tax
71 assessing official pursuant to Article 1 of Chapter 7 of Title
72 40, Code of Alabama 1975.

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

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

78 (11) PROJECT FUND. The Sweet Trails Alabama Project
79 Fund.

80 (12) QUALIFIED DONATION. A fee simple conveyance
81 donated and accepted for use in a manner consistent with this
82 act.

83 Section 2. (a) Subject to an appropriation made by the
84 Legislature for the purposes of implementing the project, the



85 council, as empowered by the corporation, may contract with an
86 organization who may act as the developer for purposes of this
87 act.

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

90 (1) Develop, in coordination with state, public, and
91 private entities, a master plan for a network of greenway
92 trails throughout the state that shall be known as the Sweet
93 Trails Alabama Project.

94 (2) Perform any feasibility studies or other
95 preparatory work as may be necessary to develop the master
96 plan.

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

99 (1) To aid in establishing and maintaining an
100 innovation ecosystem in the state.

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

104 (3) To take advantage of all available state and
105 federal funding programs for trail development and
106 enhancement.

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

110 (1) In the first phase, funding shall support a
111 strategic trail network of north-south and east-west greenway
112 trails including sections in at least half of the state's



113 counties.

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

116 (3) In the final phase, funding shall support ongoing
117 maintenance of the network and coordination with local
118 communities to establish additional trail points connecting
119 the network to other outdoor recreation assets.

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

121 (1) Connect all 67 counties and all key locations
122 throughout the state.

123 (2) Increase opportunities for outdoor recreation and
124 physical activity.

125 (3) Foster interconnectivity between urban and rural
126 areas.

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

129 (5) Offer accessibility for people of different
130 abilities, ages, and backgrounds.

131 (6) Create opportunities for tourism and economic
132 development.

133 (7) Capitalize on local, regional, public, and private
134 partnerships.

135 (8) Promote conservation through education and public
136 awareness.

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

139 (f) The program may incorporate the following design
140 principles:



141 (1) Cohesion. The program shall incorporate branding,
142 signage, and wayfinding to minimize confusion and create a
143 user-friendly experience.

144 (2) Safety. The program shall prioritize separation
145 between roadways and greenway trails and shall minimize road
146 crossings. Efforts should be made to increase visibility and
147 decrease human error.

148 (3) Scenic Beauty. The program's design shall showcase
149 the diversity and beauty of the state.

150 (4) Accessibility. Trails shall be designed for comfort
151 and differing abilities and to minimize drastic changes in
152 slope or repeated stops.

153 (5) Connectivity. Routes should be as direct as
154 possible while connecting as many communities as possible.

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

157 (1) Existing and planned greenway trails.

158 (2) Public lands, including, but not limited to, state
159 parks, forest lands, the Forever Wild Land Trust, and
160 conservation areas.

161 (3) Access points to blueways and hiking trails,
162 especially National Water Trails, National Recreation Trails,
163 and Alabama Scenic River Trails.

164 (4) Historically significant trails, roads, abandoned
165 railways, and outdoor sites.

166 (5) Land potentially suitable for railbanking.

167 (6) Tourism trails and general tourist destinations.

168 (h) Any master plan approved by the council may



169 consider the following additional factors when determining the
170 route for the proposed program:

- 171 (1) Access for residents of tribal lands.
- 172 (2) Coordination with regional planning commissions.
- 173 (3) Potential for economic development in economically
174 distressed areas.
- 175 (4) Possibilities for federal alternative
176 transportation project funding.
- 177 (5) Capacity to minimize road crossings and avoid long
178 distances adjacent to heavy-use roadways.
- 179 (6) Coordination with the Department of Transportation
180 to avoid impeding utilities, drainage, and state right-of-way
181 access.

182 Section 3. Subject to Section 6, upon approval of a
183 master plan pursuant to Section 2 by the council as empowered
184 by the corporation, shall implement a strictly voluntary
185 system by which eligible donors may apply for grants for
186 qualified donations of donated property.

187 Section 4. (a) The council may provide grants to public
188 or private entities engaged in the construction or operation
189 of greenway trails for any legitimate purpose related to
190 greenway trails compatible with the master plan using monies
191 from the project fund.

192 (b) Any entity that receives grant money from the
193 project fund shall enter into a contract with a public or
194 private entity regarding the construction of signs, fences,
195 barriers, or other structures relating to any property or
196 property interest donated or transferred for purposes of



197 greenway trails compatible with the master plan.

198 (c) At the request of the owner of an abutting
199 property, any entity that receives grant money from the
200 project fund shall direct their contractor to erect a barrier
201 clearly delineating where the trail property ends and private
202 property begins. The barrier shall be erected within a
203 reasonable time following the submission of the request and at
204 no cost to the owner of the abutting property. This subsection
205 shall only apply to sections of a greenway trail that
206 benefited from grant money from the project fund pursuant to
207 this act.

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

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

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

217 (2) The owner, lessee, or person otherwise in control
218 of an abutting property, regardless of whether they have
219 opened the abutting property to recreation in accordance with
220 Article 2 of Chapter 15 of Title 35, Code of Alabama 1975,
221 provided that the abutting property is fenced and the fence is
222 reasonably maintained or that the property owner has requested
223 a fence to be constructed and is awaiting construction of the
224 fence.



225 (b) Subsection (a) shall not be construed to remove the
226 protections from liability under Article 2 of Chapter 15 of
227 Title 35, Code of Alabama 1975, from any property that is
228 otherwise eligible for those protections pursuant to that
229 article.

230 Section 6. (a) Any eligible donor who makes a qualified
231 donation of donated property for use as a greenway trail may
232 apply for a grant pursuant to this section. Any eligible donor
233 who elects not to apply for a grant pursuant to this section
234 is free to enter into any other arrangement available to the
235 eligible donor under law or contract in lieu of a grant
236 pursuant to this section.

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

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

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

244 (d) At the end of each fiscal year, any monies
245 remaining in the acquisition fund shall be transferred to the
246 project fund.

247 Section 7. (a) There is created within the State
248 Treasury the Sweet Trails Alabama Project Fund and the Sweet
249 Trails Alabama Acquisition Fund to receive gifts, grants, and
250 appropriations. Amounts deposited in the funds shall be
251 budgeted and allotted in accordance with Sections 41-4-80
252 through 41-4-96, inclusive, and Sections 41-19-1 through



253 41-19-12, inclusive, Code of Alabama 1975.

254 (b) The council may use monies in the project fund or
255 the acquisition fund to provide grants as authorized in this
256 act or to compensate the developer for work performed pursuant
257 to Section 2(a).

258 Section 8. The state, or any subdivision of the state,
259 shall not use the powers of eminent domain provided in Title
260 18 of the Code of Alabama 1975, to execute any provision of
261 this act.

262 Section 9. This act shall become effective immediately
263 following its passage and approval by the Governor, or its
264 otherwise becoming law.