

**SB298 ENROLLED**



1 WFT29E-3  
2 By Senators Jones, Gudger, Elliott, Scofield, Sessions,  
3 Butler, Weaver, Livingston, Barfoot, Bell, Shelnuttt, 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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1 Enrolled, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

20 (3) CORPORATION. The Alabama Innovation Corporation.

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

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

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

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

28 (8) FAIR MARKET VALUE. The most recent estimated value



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29 of the donated property as determined by the local county tax  
30 assessing official pursuant to Article 1 of Chapter 7 of Title  
31 40, Code of Alabama 1975.

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

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

37 (11) PROJECT FUND. The Sweet Trails Alabama Project  
38 Fund.

39 (12) QUALIFIED DONATION. A fee simple conveyance  
40 donated and accepted for use in a manner consistent with this  
41 act.

42 Section 2. (a) Subject to an appropriation made by the  
43 Legislature for the purposes of implementing the project, the  
44 council, as empowered by the corporation, may contract with an  
45 organization who may act as the developer for purposes of this  
46 act.

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

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

53 (2) Perform any feasibility studies or other  
54 preparatory work as may be necessary to develop the master  
55 plan.

56 (c) Any master plan approved by the council shall



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57 consider all of the following goals:

58 (1) To aid in establishing and maintaining an  
59 innovation ecosystem in the state.

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

63 (3) To take advantage of all available state and  
64 federal funding programs for trail development and  
65 enhancement.

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

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

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

75 (3) In the final phase, funding shall support ongoing  
76 maintenance of the network and coordination with local  
77 communities to establish additional trail points connecting  
78 the network to other outdoor recreation assets.

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

80 (1) Connect all 67 counties and all key locations  
81 throughout the state.

82 (2) Increase opportunities for outdoor recreation and  
83 physical activity.

84 (3) Foster interconnectivity between urban and rural



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85 areas.

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

88 (5) Offer accessibility for people of different  
89 abilities, ages, and backgrounds.

90 (6) Create opportunities for tourism and economic  
91 development.

92 (7) Capitalize on local, regional, public, and private  
93 partnerships.

94 (8) Promote conservation through education and public  
95 awareness.

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

98 (f) The program may incorporate the following design  
99 principles:

100 (1) Cohesion. The program shall incorporate branding,  
101 signage, and wayfinding to minimize confusion and create a  
102 user-friendly experience.

103 (2) Safety. The program shall prioritize separation  
104 between roadways and greenway trails and shall minimize road  
105 crossings. Efforts should be made to increase visibility and  
106 decrease human error.

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

109 (4) Accessibility. Trails shall be designed for comfort  
110 and differing abilities and to minimize drastic changes in  
111 slope or repeated stops.

112 (5) Connectivity. Routes should be as direct as



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113 possible while connecting as many communities as possible.

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

116 (1) Existing and planned greenway trails.

117 (2) Public lands, including, but not limited to, state  
118 parks, forest lands, the Forever Wild Land Trust, and  
119 conservation areas.

120 (3) Access points to blueways and hiking trails,  
121 especially National Water Trails, National Recreation Trails,  
122 and Alabama Scenic River Trails.

123 (4) Historically significant trails, roads, abandoned  
124 railways, and outdoor sites.

125 (5) Land potentially suitable for railbanking.

126 (6) Tourism trails and general tourist destinations.

127 (h) Any master plan approved by the council may  
128 consider the following additional factors when determining the  
129 route for the proposed program:

130 (1) Access for residents of tribal lands.

131 (2) Coordination with regional planning commissions.

132 (3) Potential for economic development in economically  
133 distressed areas.

134 (4) Possibilities for federal alternative  
135 transportation project funding.

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

138 (6) Coordination with the Department of Transportation  
139 to avoid impeding utilities, drainage, and state right-of-way  
140 access.



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141           Section 3. Subject to Section 6, upon approval of a  
142 master plan pursuant to Section 2 by the council as empowered  
143 by the corporation, shall implement a strictly voluntary  
144 system by which eligible donors may apply for grants for  
145 qualified donations of donated property.

146           Section 4. (a) The council may provide grants to public  
147 or private entities engaged in the construction or operation  
148 of greenway trails for any legitimate purpose related to  
149 greenway trails compatible with the master plan using monies  
150 from the project fund.

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

157           (c) At the request of the owner of an abutting  
158 property, any entity that receives grant money from the  
159 project fund shall direct their contractor to erect a barrier  
160 clearly delineating where the trail property ends and private  
161 property begins. The barrier shall be erected within a  
162 reasonable time following the submission of the request and at  
163 no cost to the owner of the abutting property. This subsection  
164 shall only apply to sections of a greenway trail that  
165 benefited from grant money from the project fund pursuant to  
166 this act.

167           (d) When carrying out any activities required by  
168 Section 2(a), the developer shall be exempt from the



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169 requirements of subsection (b).

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

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

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

184 (b) Subsection (a) shall not be construed to remove the  
185 protections from liability under Article 2 of Chapter 15 of  
186 Title 35, Code of Alabama 1975, from any property that is  
187 otherwise eligible for those protections pursuant to that  
188 article.

189 Section 6. (a) Any eligible donor who makes a qualified  
190 donation of donated property for use as a greenway trail may  
191 apply for a grant pursuant to this section. Any eligible donor  
192 who elects not to apply for a grant pursuant to this section  
193 is free to enter into any other arrangement available to the  
194 eligible donor under law or contract in lieu of a grant  
195 pursuant to this section.

196 (b) (1) An eligible donor shall be eligible to apply for





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197 a grant for each qualified donation under this act.

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

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

203 (d) At the end of each fiscal year, any monies  
204 remaining in the acquisition fund shall be transferred to the  
205 project fund.

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

213 (b) The council may use monies in the project fund or  
214 the acquisition fund to provide grants as authorized in this  
215 act or to compensate the developer for work performed pursuant  
216 to Section 2(a).

217 Section 8. The state, or any subdivision of the state,  
218 shall not use the powers of eminent domain provided in Title  
219 18 of the Code of Alabama 1975, to execute any provision of  
220 this act.

221 Section 9. This act shall become effective immediately  
222 following its passage and approval by the Governor, or its  
223 otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB298

Senate 18-May-23

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives

Passed: 06-Jun-23

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By: Senator Jones