



**House Transportation, Utilities and Infrastructure  
Reported Substitute for SB42**

A BILL

TO BE ENTITLED

AN ACT

Relating to highways, roads, and bridges; to amend Section 23-1-45, Code of Alabama 1975; to allow a surrounding land owner to petition a governing body to deed abandoned, condemned property which was used to construct a road back to the land owner when the road is no longer being used for the original purpose it was purchased and conditions have rendered the road useless.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 23-1-45, Code of Alabama 1975, is amended to read as follows:

"§23-1-45

(a) (1) Any other provision of law to the contrary notwithstanding, the Director of Transportation shall have authority to acquire the rights-of-way deemed necessary by the State Department of Transportation for the construction of a state road, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings as provided under the laws of this state, or the county or municipality in which such road ~~deemed necessary by the Director of Transportation~~ is located shall acquire such rights-of-way



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deemed necessary by the Director of Transportation, when requested to do so by said Director of Transportation.

(2) If ~~Should~~ the county or municipality ~~fail or refuse~~ fails or refuses to acquire said rights-of-way, the Director of Transportation ~~shall have authority to~~ may acquire such rights-of-way as ~~first above~~ authorized in subdivision (1). Rights-of-way acquired ~~under the provision of~~ pursuant to this section shall be paid for in the manner prescribed by law.

(b) (1) If at any point the road that was constructed on a right-of-way at the direction of the Director of Transportation is abandoned, the property owner of the adjacent property that has the abandoned road running through his or her parcel may petition the governing state, county, or municipal body that owns the road to deed the property on which the road is situated back to the owner if: (i) the governing body had acquired the right-of-way from the private owner of the adjacent property on both sides of the road in order to construct a road; (ii) the original owner or current owner owns both sides of the road; (iii) the constructed road has been abandoned and no longer serves the original purpose for which it was purchased due to certain unforeseeable conditions rendering the road unusable; and (iv) the property owner can close to the midline of the right-of-way.

(2) The petition shall be granted unless: (i) a property owner of the adjacent property to the road would no longer have road access to his or her property if ownership reverts back to the petitioning owner; (ii) the road provides



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57 access to, reasonably may be developed to grant access to, or  
58 is otherwise any existing or planned greenway trail as defined  
59 in Section 41-10-860, and outlined in its master plan, that is  
60 recognized by the state, county, or municipality, pursuant to  
61 the Alabama Sweet Water Trails Project, Chapter 10 of Title  
62 41; or (iii) the governing state, county, or municipal body  
63 can articulate a future use of the property consistent with  
64 the use articulated at the time the property was purchased."

65           Section 2. This act shall become effective on June 1,  
66 2025.