

## SB42 INTRODUCED



1 SB42  
2 I4FXZWW-1  
3 By Senator Melson  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 04-Feb-25

1  
2  
3  
4 SYNOPSIS:

5 Under existing law, the Director of  
6 Transportation has the authority to acquire  
7 rights-of-way to construct a state road, by purchase or  
8 under the state, county, or municipal condemnation  
9 laws, as deemed necessary.

10 This bill would authorize the appropriate  
11 governing body, upon petition from the land owner of  
12 the adjacent parcels, to deed the road back to the  
13 original land owner if the road has been abandoned and  
14 no longer used for the original purpose it was  
15 purchased due to unforeseeable circumstances rendering  
16 it unusable.

17  
18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

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



## SB42 INTRODUCED

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 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) 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



## SB42 INTRODUCED

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; and (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."

Section 2. This act shall become effective on October  
1, 2025.