RESOLUTION NO. 2025

A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS SUPPORTING THE ENACTMENT OF PROPOSED BILL 4, WHICH WOULD REQUIRE THAT CONSTRUCTION TRAFFIC FOR CERTAIN HIGH-IMPACT DEVELOPMENT, INCLUDING DATA CENTERS, PROCEED ONLY UNDER A ROAD-USE AND MAINTENANCE AGREEMENT WITH THE HOST COUNTY, OR AN EQUIVALENT SECURED UNDERTAKING, BACKED BY FINANCIAL ASSURANCE.

WHEREAS, the construction of a high-impact facility moves extraordinary volumes and weights of concrete, steel, aggregate, transformers, and modular components over county roads and bridges engineered and funded for rural and agricultural traffic, and the damage arrives years before the project contributes proportionate revenue, falling instead on the county road and bridge fund and its taxpayers; and

WHEREAS, road-use and maintenance agreements secured by financial assurance are an established practice in the construction of large wind and solar energy facilities across this State, but no law requires them of the developers of data centers and similar high-impact development; and

WHEREAS, Proposed Bill 4 would require, before construction traffic begins, an agreement or equivalent secured undertaking providing pre- and post-construction engineering surveys of designated haul routes, prompt hazard repair, restoration to documented pre-construction condition, and security of not less than $50,000 — while protecting developers with a 60-day path to proceed on statutory terms if a county delays, so the requirement can never operate as a county veto; and

WHEREAS, the Commissioners Court finds that county roads are among the county's most valuable public assets and that enactment of Proposed Bill 4 is in the best interest of the residents of this County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, THAT:

1. The Commissioners Court supports and endorses the enactment of Proposed Bill 4 by the 90th Texas Legislature.

2. The Court respectfully requests the County's State Senator, the Honorable Angela Paxton, and the County's State Representative, the Honorable Brent Money, to author, sponsor, co-sponsor, and support Proposed Bill 4, and to work toward its passage.

3. The Court directs that certified copies of this Resolution be transmitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the County's state legislative delegation, the standing committees of the Senate and House with primary jurisdiction over the bill, and the Texas Association of Counties.

4. This Resolution takes effect immediately upon its adoption.

FILED FOR RECORD
at 2:00 o'clock P M
JUL 28 2026
BECKY LANDRUM
County Clerk, Hunt County, Tex.
by

PASSED, APPROVED, AND ADOPTED by the Commissioners Court of Hunt County, Texas, at a duly posted meeting at which a quorum was present and voting, on this the 28th day of July, 2026.

County Judge

ATTEST:

County Clerk

By: _____ H.B./S.B. No. _____
(90th Legislature, Regular Session)

A BILL TO BE ENTITLED

AN ACT

relating to road-use and maintenance requirements for the construction of certain high-impact development, including data centers, in the unincorporated areas of counties; providing civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. FINDINGS AND PURPOSE. (a) The legislature finds that:

(1) the construction of data centers and other high-impact development requires the movement of extraordinary volumes and weights of equipment and materials, including concrete, steel, aggregate, transformers, generators, and modular components, over county roads and bridges that were engineered and funded for rural and agricultural traffic;

(2) the damage caused by construction traffic precedes any tax revenue from the development, and the cost of repairing that damage otherwise falls on the taxpayers of the county;

(3) counties hold authority over the use of county roads, including the authority to establish load limits under Section 621.301, Transportation Code, and to regulate the use of county roads under Section 251.157, Transportation Code, but no statute requires the developer of high-impact development to survey, maintain, and restore the county roads its construction traffic uses;

(4) road-use and maintenance agreements, secured by financial assurance, are an established and widely accepted practice in the construction of large energy facilities in this state; and

(5) a requirement that the developer of high-impact development enter into such an agreement, or file an equivalent binding undertaking, addresses only the use and repair of county roads, imposes no limitation on the use of land, and provides a compliance path that does not depend on the consent of the county.

(b) The purpose of this Act is to require that construction traffic for certain high-impact development in the unincorporated area of a county proceed only under a road-use and maintenance agreement with the host county or an equivalent binding undertaking, secured by financial assurance.

SECTION 2. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 246 to read as follows:

CHAPTER 246. ROAD-USE AND MAINTENANCE REQUIREMENTS FOR CONSTRUCTION OF CERTAIN HIGH-IMPACT DEVELOPMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 246.001. DEFINITIONS. In this chapter:

(1) "Commissioners court" means the commissioners court of a county.

(2) "Construction traffic" means motor vehicle traffic generated by the construction of a covered development, including the delivery of equipment, materials, aggregate, concrete, fuel, and modular components, and construction workforce traffic.

(3) "County road" means a public road or bridge that a county is responsible for maintaining. The term does not include a road or bridge that is part of the state highway system.

(4) "Covered development" means development described by Section 246.003.

(5) "Data center" means a facility, or a group of facilities at a single location or on contiguous or nearby parcels under common ownership or control, used primarily to house computer systems, servers, and associated equipment for the processing, storage, management, or distribution of data, including a facility used primarily for cryptocurrency mining or other high-density computing.

(6) "Designated haul route" means each county road identified under a road-use agreement or road-use undertaking for use by construction traffic.

(7) "Host county" means a county in whose unincorporated area a covered development is or is proposed to be located, wholly or partly, and each county whose county roads construction traffic for the covered development will use.

(8) "Road-use agreement" means a written agreement between a person and a host county under Section 246.052.

(9) "Road-use undertaking" means a verified unilateral commitment filed under Section 246.053.

(10) "Security" means financial assurance provided under Section 246.054.

(11) "Unincorporated area" means the area of a county that is outside the corporate boundaries of a municipality.

Sec. 246.002. APPLICABILITY. (a) This chapter applies to each county.

(b) This chapter applies to a covered development located or proposed to be located wholly or partly in the unincorporated area of a county, without regard to whether the development requires the subdivision of land or the filing of a plat.

Sec. 246.003. COVERED DEVELOPMENT. In this chapter, "covered development" means development in the unincorporated area of a county that is:

(1) a data center, without regard to its electrical or water demand; or

(2) other commercial or industrial development that, as proposed:

(A) will require 75 megawatts or more of new electrical load at the point of interconnection, determined by aggregating the load of facilities that are part of a common development or that are located on contiguous parcels under common ownership or control; or

(B) will require 1,000,000 gallons or more per day of new consumptive water use.

Sec. 246.004. RELATIONSHIP TO OTHER LAW. (a) This chapter regulates only the use, maintenance, and restoration of county roads. The authority granted or recognized by this chapter is in addition to the authority of a county under other law, including Sections 621.301 and 251.157, Transportation Code.

(b) This chapter does not authorize a county to regulate the use of land and is not a zoning regulation.

(c) This chapter does not apply to the state highway system and does not affect the authority of the Texas Department of Transportation.

(d) Compliance with this chapter does not excuse compliance with any load limit, or with any permit requirement for an oversize or overweight vehicle or load, imposed under other law.

(e) A road-use agreement may be included within another lawful agreement between the person and the county.

SUBCHAPTER B. AGREEMENT OR UNDERTAKING REQUIRED

Sec. 246.051. REQUIREMENT; SUBMISSION. (a) A person may not commence construction of a covered development, and may not cause or permit construction traffic for a covered development to use a county road, unless:

(1) the person and each host county have executed a road-use agreement;

(2) the person has filed a road-use undertaking with respect to each host county with which no road-use agreement has been executed; or

(3) the commissioners court of the host county has by order waived the requirements of this chapter for the covered development on a finding that the anticipated construction traffic will not materially affect county roads.

(b) Not later than the 60th day before the date the person intends to commence construction, the person shall submit to the county judge of each host county a proposed road-use agreement that contains each term required by Section 246.052(b), together with a description of the anticipated construction traffic and proposed designated haul routes prepared by or under the supervision of a licensed professional engineer.

Sec. 246.052. ROAD-USE AGREEMENT. (a) A host county and a person proposing a covered development may enter into a road-use agreement on terms to which the parties agree.

(b) A road-use agreement must provide for:

(1) the identification of designated haul routes;

(2) a pre-construction condition survey of the designated haul routes, in written and photographic or video form, conducted jointly by the parties by or under the supervision of a licensed professional engineer at the person's expense, and completed before construction traffic begins;

(3) the maintenance of the designated haul routes in a safe condition during construction, including the repair of any hazard attributable to construction traffic not later than 48 hours after notice, or immediately in the case of an imminent hazard, subject to extension for the period during which repair is prevented by weather, flood, or the unavailability of materials or equipment despite diligent effort, if the person places and maintains reasonable interim traffic-protection measures, including signage, barricades, or temporary surfacing, during that period;

(4) the restoration of the designated haul routes, not later than the 90th day after the date construction is completed, subject to reasonable allowance for weather, to a condition equal to or better than the condition documented by the pre-construction survey, ordinary wear excepted;

(5) the control of dust, mud, and debris attributable to construction traffic;

(6) the protection of drainage structures, including culverts and low-water crossings, on the designated haul routes;

(7) security in accordance with Section 246.054;

(8) a post-construction condition survey conducted in the manner provided by Subdivision (2); and

(9) the release of security in accordance with Section 246.054(e).

Sec. 246.053. ROAD-USE UNDERTAKING. (a) If a road-use agreement has not been executed on or after the 60th day after the date the person submits the proposed agreement and accompanying information required by Section 246.051(b), the person may proceed by filing with the county clerk of the host county, and serving on the county judge, a road-use undertaking.

(b) A road-use undertaking must be verified by a representative of the person with authority to act for the person and must contain a binding commitment to perform each term required by Section 246.052(b), and must be accompanied by the security required by Section 246.054.

(c) On filing of a conforming road-use undertaking and security, the person may commence construction and construction traffic, and the undertaking is enforceable by the host county in the same manner as a road-use agreement.

(d) The filing of a road-use undertaking does not preclude the later execution of a road-use agreement, which supersedes the undertaking to the extent the agreement provides.

Sec. 246.054. SECURITY. (a) Security under this chapter must be in the form of a surety bond issued by a surety authorized to do business in this state, an irrevocable letter of credit issued by a federally insured financial institution, or a cash escrow, payable to or for the benefit of the host county.

(b) The amount of the security must equal the estimated cost of restoring the designated haul routes to the condition documented by the pre-construction survey, assuming the reasonably anticipated construction traffic, as certified by a licensed professional engineer, and may not be less than $50,000 for each host county.

(c) Not later than the 30th day after the date a road-use undertaking is filed, the host county may bring an action in a district court of the county to adjust the amount of the security on a showing that the certified estimate materially understates the cost described by Subsection (b). The court shall hear and determine the action as expeditiously as practicable. The filing of the action does not stay construction or construction traffic unless the court so orders.

(d) The person shall maintain the security in effect until released under Subsection (e).

(e) The host county shall release the security, or the unused balance of the security, not later than the 60th day after the date the restoration required by Section 246.052(b)(4) is completed and verified by the post-construction survey. Partial releases may be made as restoration is completed.

Sec. 246.055. COUNTY REPAIR; RECOVERY OF COSTS. If a person fails to perform a repair or restoration obligation under this chapter, the host county may perform the repair or restoration, after 48 hours' notice to the person or immediately in the case of an imminent hazard, and may recover its reasonable costs from the person or from the security.

SUBCHAPTER C. ENFORCEMENT

Sec. 246.101. CIVIL PENALTY. (a) A person that commences construction of a covered development, or causes or permits construction traffic to use a county road, in violation of this chapter is liable to the host county for a civil penalty of not less than $1,000 or more than $10,000 for each day the violation continues. Each day a violation continues is a separate violation.

(b) In determining the amount of the penalty, the court shall consider the seriousness of the violation, the person's culpability and history of previous violations, the person's good-faith efforts to comply, and the economic benefit to the person of noncompliance.

(c) The county attorney or district attorney with jurisdiction in the host county, or the attorney general at the request of the commissioners court, may bring an action under this section on behalf of the county. Venue is in a district court of the host county.

(d) A penalty recovered under this section shall be deposited to the credit of the county road and bridge fund.

Sec. 246.102. INJUNCTIVE RELIEF. A district court of the host county may enjoin a violation or threatened violation of this chapter, including by enjoining construction traffic on county roads and,

if construction was commenced in violation of this chapter, the continuation of construction, until the person complies. The county is not required to give bond as a condition of injunctive relief.

Sec. 246.103. REMEDIES CUMULATIVE. The remedies provided by this subchapter are cumulative of other remedies provided by law, including remedies under the road-use agreement or road-use undertaking.

SECTION 3. Chapter 246, Local Government Code, as added by this Act, applies only to a covered development for which construction commences on or after the effective date of this Act.

SECTION 4. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.