

LOCAL GOVERNMENT CODE CHAPTER 284

PLANNING CONSIDERATIONS

LGC CHAPTER 284

CHAPTER 284 OF THE LOCAL GOVERNMENT CODE BECAME EFFECTIVE SEPTEMBER 1, 2017. THAT CHAPTER ALLOWS NETWORK NODES TO BE IN THE RIGHT-OF-WAY WITHOUT A GRANT OF AUTHORITY FROM THE LOCAL GOVERNMENT.

LGC CHAPTER 284

- THAT STATEMENT MAY RAISE SOME QUESTIONS FOR YOU, SUCH AS:
- WHY DO I CARE ABOUT THAT LAW AS A LAND USE ATTORNEY?
- WHY SHOULD MY CLIENTS, EITHER MUNICIPALITIES OR DEVELOPERS OR OTHER LAND OWNERS, CARE ABOUT THE NEW LAW? AND, FINALLY,
- WHAT IS A NETWORK NODE?

LAST QUESTION FIRST - WHAT IS A NETWORK NODE?

THE STATUTORY DEFINITION IS TEDIOSLY LONG, BUT IN THE END THE STATUTORY DEFINITION IS THE ONLY ONE THAT COUNTS. IT IS:

(12) "NETWORK NODE" MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK.

WHAT IS A NETWORK NODE?

. THE TERM:

(A) INCLUDES:

- (I) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS;
- (II) A RADIO TRANSCEIVER, AN ANTENNA, A BATTERY-ONLY BACKUP POWER SUPPLY, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION; AND
- (III) COAXIAL OR FIBER-OPTIC CABLE THAT IS IMMEDIATELY ADJACENT TO AND DIRECTLY ASSOCIATED WITH A PARTICULAR COLLOCATION; AND

WHAT IS A NETWORK NODE?

(B) DOES NOT INCLUDE:

- (I) AN ELECTRIC GENERATOR;
- (II) A POLE; OR
- (III) A MACRO TOWER.

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