

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No. EB-04-DV-069
The Burlington Northern and Santa Fe Railway Co.)	
ASR# 1064456)	NOV No. V20043280001
Brighton, Colorado)	

NOTICE OF VIOLATION

Released: March 16, 2004

By the District Director, Denver Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to The Burlington Northern and Santa Fe Railway Co. ("BNSF"), owner of Antenna Structure Registration ("ASR") number 1064456.

2. On March 11, 2004, an agent of the Commission's Denver Office inspected antenna structure number 1064456, located at N40-41-36, W104-45-19, 15986 Weld County Road #6, Brighton, Colorado, and observed the following violation:

- a. 47 C.F.R. § 17.56(a): "Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable." The agent observed the top beacon to be steady burning. The painting and lighting specifications on the ASR require that the beacon atop this structure be flashing.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, BNSF must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action taken to correct the violation and preclude recurrence, and should include a time line for completion of pending corrective action. The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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Federal Communications Commission
Denver District Office
215 S Wadsworth Blvd. - Suite 303
Lakewood, Colorado 80226

4. This Notice shall be sent to The Burlington Northern and Santa Fe Railway Co., 4515 Kansas Avenue, Kansas City, KS 66106-1199.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*