

Federal Communications Commission

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

In the Matter of)	
)	
Burlington Northern and Santa Fe Railway Co.)	File No. EB-04-CG-243
)	
ASR # 1061197)	NOV No. V20043232022
New Canton, Illinois)	
)	
Attention: Jerry Elmore)	

NOTICE OF VIOLATION

Released: April 28, 2004

By the District Director, Chicago Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Burlington Northern and Santa Fe Railway Co.
2. On April 13, 2004, an agent of the Commission's Chicago Office inspected the antenna structure, ASR# 1061197, located at New Canton, Illinois, and observed the following violation(s):
 - a. 47 C.F.R. § 17.50: "Antenna structures requiring painting shall be cleaned or repainted as often as necessary to maintain good visibility." The paint on the structure was badly faded.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Burlington Northern and Santa Fe Railway Co, 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(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). 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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Chicago Office
1550 Northwest Highway, Room 306
Park Ridge, IL 60068

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

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

G. Michael Moffitt
District Director
Chicago Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*