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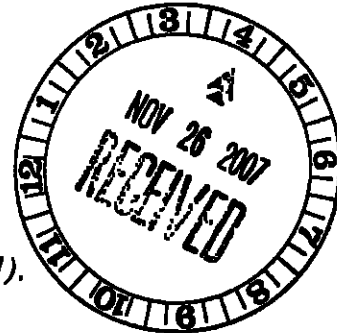
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November 26, 2007

VIA HAND DELIVERY

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001



Re: *STB Finance Docket No 33388 (Sub-No 101).*
In re CSX Transportation, Inc

Dear Mr. Williams:

Pursuant to the Board's Decision, served October 23, 2007, in the above-referenced proceeding, enclosed for filing are ten copies of the "Supplemental Affidavit of Francis Vitale." The Vitales' Reply, to which this filing is a supplement, was filed on Wednesday, November 21, 2007. Also enclosed is the original "Affidavit of Francis Vitale," copies of which were filed with the Reply on November 21, 2007.

Respectfully submitted,

Michael F. McBride

Michael F. McBride
Attorney for Frank Vitale and Francis Vitale

Enclosures

cc (w/encls.): Kim Bongiovanni, Esq.
Louis E. Gitomer, Esq

ENTERED
Office of Proceedings

NOV 26 2007

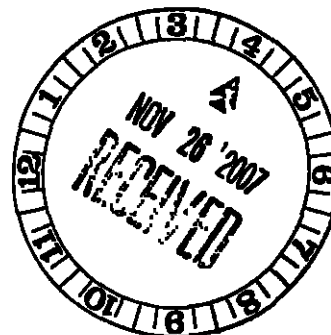
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**SURFACE TRANSPORTATION BOARD
STB Finance Docket No. 33388 (Sub-No. 101)**

*In re CSX TRANSPORTATION, INC.,
Petitioner*

SUPPLEMENTAL AFFIDAVIT OF FRANCIS VITALE

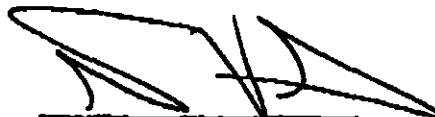
STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)



FRANCIS VITALE., being duly sworn, states:

1. My name is Francis Vitale. I executed an Affidavit on November 20, 2007, which was filed in this proceeding on November 21, 2007. I have personal knowledge of the facts set forth in this Supplemental Affidavit.
2. I make this Supplemental Affidavit to place before the Board an engineering drawing (Exhibit A hereto) prepared by the New York State Department of Transportation ("NYSDOT"), and given to me by NYSDOT, which shows the dimensions of the "Broadway overpass" to which reference was made in my Affidavit (¶¶ 47, 50), and in the Reply to the Petition, filed on November 21, 2007 on behalf of my father and me (pp. 15, 23). As noted in the Reply (p. 15), the Broadway overpass is located on the northern boundary of the Property that my father and I have contracted to purchase from the Railroad—so that any train passing through the Property would have to go under the Broadway overpass.
3. NYSDOT's engineering drawing shows that the Broadway overpass was rebuilt by NYSDOT, in cooperation with the Railroad, with a horizontal clearance of 9.219 meters (which is equal to 30 feet 3 inches), and a vertical clearance of 6.25 meters (20 feet 6 inches).

FURTHER AFFIANT SAITH NOT.


Francis Vitale

Sworn to before me this 26th day of
November 2007


Notary Public

My commission expires on the 3 day of Mar, 2011.

THOMAS S. BERGER
Notary Public, State of New York
No. 01688067988
Qualified in Suffolk County
Commission Expires March 3, 2011

ENTERED
Office of Proceedings

NOV 26 2007

Part of
Public Record

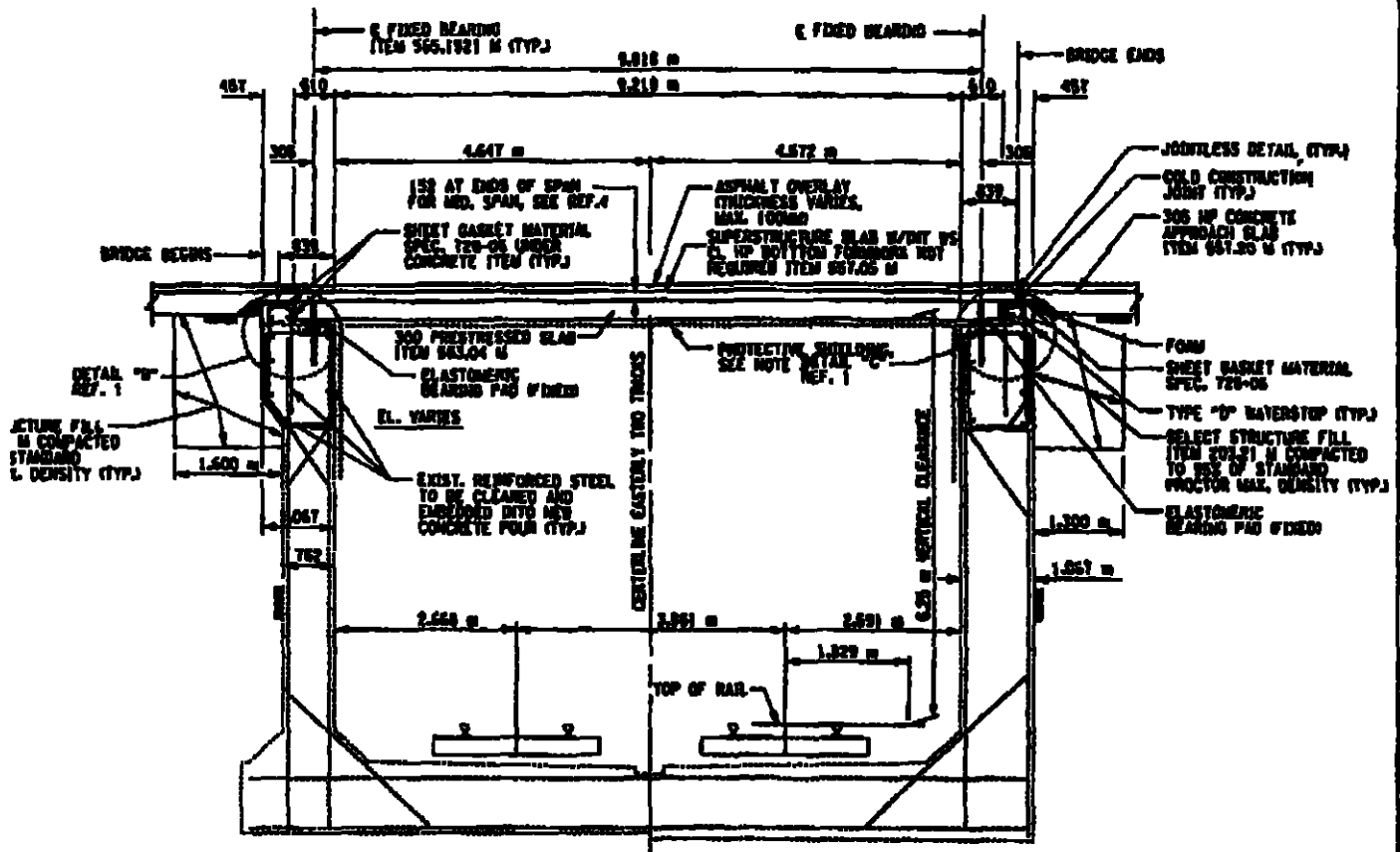
Exhibit A

FROM :

FAX NO. :

Nov. 26 2007 12:00AM P4

FED. ROAD REQ. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.	D259600	979	1155
NAME				
BROOKLYN QUEENS EXPRESSWAY				
61 ST STREET TO BROADWAY				
QUEENS COUNTY, NEW YORK				
P.L.M. 2730.53			S.I.M. 2-84737-0	



PROPOSED SECTION (B'-B')
(LOOKING NORTH)
SCALE 1:100

REFERENCES

1. ADJUTMENT SECTIONS AND DETAILS
2. EXISTING FRAMING PLAN
3. TEMPORARY TRACK REALIGNMENT AT BROADWAY BRIDGE
4. TRANSVERSE DECK SECTION

DWG. NO.

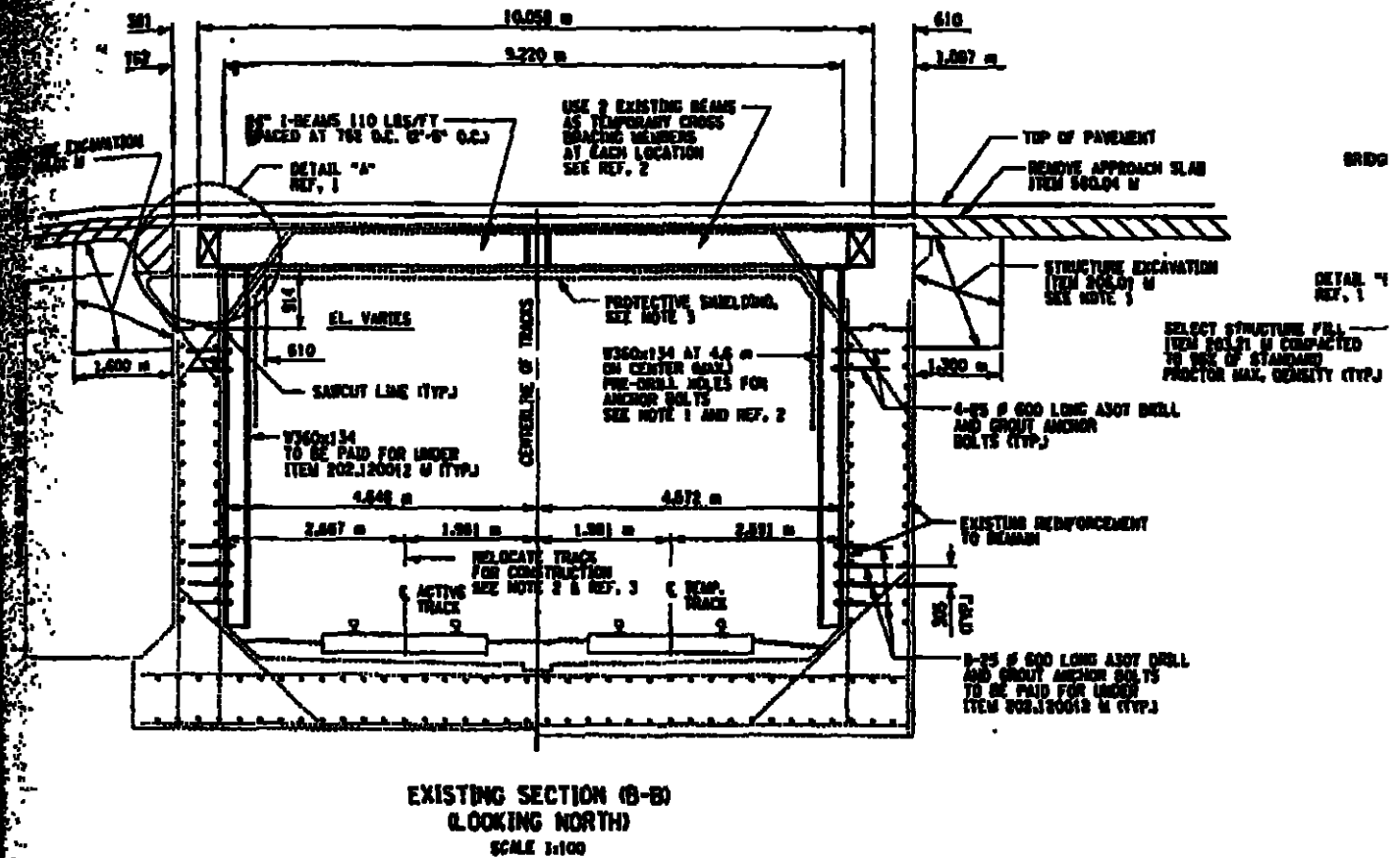
- 511-15
511-18
78-2
511-20

NOTES:

1. STRUCTURAL EXCAVATION AND STEEL BRACING INSTALLATION SHALL BE MADE PRIOR TO THE REMOVAL OF THE SUPERSTRUCTURE
2. ACTIVE TRACK SHALL BE TEMPORARILY RELOCATED BEFORE CONSTRUCTION STARTS, SEE REF. 3.
3. CONTRACTOR SHALL PROVIDE SHIELDING NECESSARY TO PROTECT RAILROAD TRAFFIC UNDER BRIDGE
4. PRESTRESSED SLAB UNITS WERE DESIGNED FOR VERTICAL AND HORIZONTAL (LONGITUDINAL) FORCES.

ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED
AS BUILT DIMENSIONS

SIGNATURE		DATE
BROADWAY OVER CSX		
EXISTING AND PROPOSED LONGITUDINAL BRIDGE SECTIONS		
STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION		
DATE		DRAWING NO.
04/25/04		511-04



SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388 (Sub-No 101)

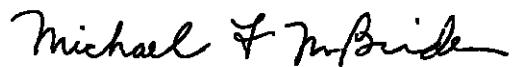
In re CSX TRANSPORTATION, INC.
Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have served this 26th day of November 2007, one copy of the foregoing "Supplemental Affidavit of Francis Vitale" via first-class mail and electronic means upon the following counsel:

Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204

Kim Bongiovanni, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202



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