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November 27, 2007



## VIA HAND DELIVERY

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

ENTERED  
Office of Proceedings

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

NOV 27 2007

Part of  
Public Record

Dear Mr. Williams

Pursuant to the Board's Decision, served October 23, 2007, in the above-referenced proceeding, enclosed is the original "Supplemental Affidavit of Francis Vitale," copies of which were filed on November 26, 2007.

Respectfully submitted,

*Michael F. McBride*

Michael F McBride  
*Attorney for Frank Vitale and Francis Vitale*

## Enclosures

cc (w/o encls.): Kim Bongiovanni, Esq.  
Louis E. Gitomer, Esq.  
Jacob Inwald, Esq.  
Richard M. Zuckerman, Esq

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    )

ENTERED  
Office of Proceedings  
NOV 27 2007  
Part of  
Public Record

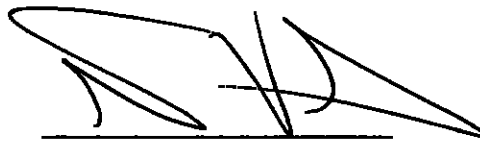
FRANCIS VITALE., being duly sworn, states:

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.

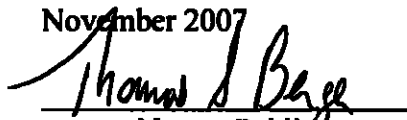
2. I make this Supplemental Affidavit to place before the Board an engineering drawing (**Exhibit A** hereto) prepared by the New York State Department of Transportation ("NYSDOT"), and given to me by NYSDOT, which shows the dimensions of the "Broadway overpass" to which reference was made in my Affidavit (¶¶ 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 26<sup>th</sup> 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. 01BE007988  
Qualified in Suffolk County  
Commission Expires March 3, 2011

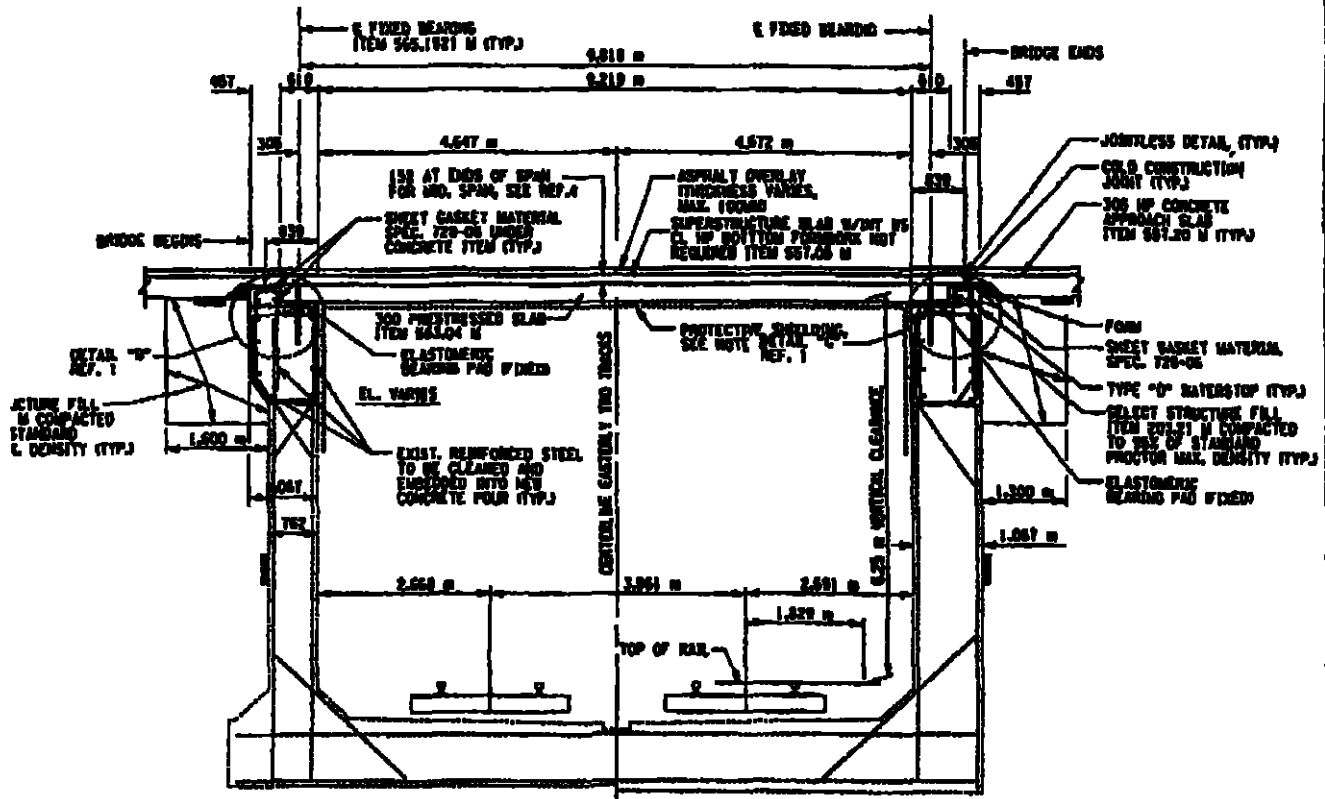
## **Exhibit A**

FROM :

FAX NO. :

Nov. 26 2007 12:00PM P4

| FED. ROAD<br>NO. NO.       | STATE | CONTRACT NO. | SHEET<br>NO.     | TOTAL<br>SHEETS |
|----------------------------|-------|--------------|------------------|-----------------|
| 1                          | N.Y.  | D259600      | 979              | 1155            |
| NAME                       |       |              |                  |                 |
| BROOKLYN QUEENS EXPRESSWAY |       |              |                  |                 |
| 61 ST STREET TO BROADWAY   |       |              |                  |                 |
| QUEENS COUNTY, NEW YORK    |       |              |                  |                 |
| PLAN 1730.83               |       |              | S.I.M. P-04737-0 |                 |



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

| REFERENCES                                        | DWG. NO. |
|---------------------------------------------------|----------|
| 1. ADJUSTMENT SECTIONS AND DETAILS                | 511-10   |
| 2. EXISTING FRAMING PLAN                          | 511-10   |
| 3. TEMPORARY TRACK REALIGNMENT AT BROADWAY BRIDGE | 78-2     |
| 4. TRANSVERSE DECK SECTION                        | 511-20   |

## NOTES:

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

ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED  
AS BUILT REVISIONS

|                                                       |  |             |
|-------------------------------------------------------|--|-------------|
| SIGNATURE                                             |  | DATE        |
| BROADWAY OVER CSX                                     |  |             |
| EXISTING AND PROPOSED<br>LONGITUDINAL BRIDGE SECTIONS |  |             |
| STATE OF NEW YORK<br>DEPARTMENT OF TRANSPORTATION     |  |             |
| DATE                                                  |  | DRAWING NO. |
| 04/26/04                                              |  | 511-04      |

