



FILED

03/17/23

09:10 AM

A2302005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Fresno,
Department of Public Works, on Behalf of
Van-G Logistics for an Order Authorizing the
Construction of Two Proposed At-Grade
Crossings, and Altering One Existing At-
Grade Crossing Across DeWolf Avenue on
Tracks Owned by Van-G Logistics at Railroad
MP 0.10 for the Existing Track and at MP 0.20
and MP 0.30 for the Proposed Crossings in
the County of Fresno, CA.

Application 23-02-005

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING TELEPHONIC
PREHEARING CONFERENCE AND DIRECTING PARTIES TO FILE AND
SERVE JOINT PREHEARING CONFERENCE STATEMENT**

This ruling sets a telephonic prehearing conference (PHC) for Thursday, March 30, 2023, starting at 10:00 a.m. Parties and any interested persons shall appear telephonically by using the following information:

Toll Free Number: 1-877 937-0554

Participant Code: 7031793

The purpose of this PHC is to determine the parties, the parties' positions, the proceeding's scope and schedule, and any other procedural matters related to this application.

During the PHC, we will discuss the following matters:
(1) Appearances and Service List; (2) Procedural Background;
(3) Categorization; (4) Scope of Issues; (5) Schedule and Hearings;
and (6) Miscellaneous Matters.

1. Joint PHC Statement

This ruling directs the County of Fresno and the Rail Safety Division (RSD) of the California Public Utilities Commission (Commission) to meet and confer, and then to prepare, file with the docket office, and serve the official service list a Joint PHC Statement by 2:00 p.m. on Tuesday, March 28, 2023. The Joint PHC Statement shall include the following:

- a. Identify the Speakers. Identify and provide the name, phone number and email address of individuals intending to speak at the PHC, and, in the case of multiple representatives for the same party, indicate who is designated as the primary party representative.
- b. Summary of Crossing. Provide a brief summary of the background of the construction of the proposed public road crossing at issue (Proposed Crossing).
- c. Objections. Identify objections to the preliminary categorization, if any.
- d. Scope. Identify all issues in the scope of the proceeding.
- e. CalEnviroScreen 4.0. The Office of Environmental Health Hazard Assessment announced the availability of the latest version of the California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0. The parties may access this tool by visiting: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>. The parties shall use this tool to identify the census tract relevant to the Proposed Crossing. The parties shall provide screenshots, graphs, and data from the CalEnviroScreen 4.0 tool relevant to the location of the Proposed Crossing, including: census tract number, population, overall percentiles, exposures, environmental effects, sensitive populations, socioeconomic factors, race/ethnicity profiles, and age profiles.

f. Environmental and Social Justice.

1. Identify and discuss the potential impacts of the Proposed Crossing on the environmental and social justice communities;

2. Ground Rules

The court reporters will rely on the audio from the telephone to transcribe the PHC. To ensure a complete and accurate record, parties are directed to adhere to the following ground rules during the telephonic PHC:

- Mute your phone when not speaking;
- Speak only when addressed by the Administrative Law Judge;
- State your name each and every time before you speak;
- Speak slowly and clearly;
- Do not use a speaker phone when speaking; and
- Do not interrupt or speak over one another.

As this is a telephonic PHC reliant on technology to relay statements in verbatim format by those in attendance to the court reporter, (1) the reporter may interrupt the speakers if the speakers make inaudible statements, and (2) the reporter may insert the word “inaudible” in the transcript when there is dropped, garbled, or otherwise indecipherable audio.

If parties have prepared statements, they intend to make during the PHC, please email them by 2:00 p.m. on Tuesday, March 28, 2023, to the court reporter at reporting@cpuc.ca.gov.

Parties requiring changes or additions to the official service list shall complete the required “Addition/Change of Official Service List” form and send to both process_office@cpuc.ca.gov and reporting@cpuc.ca.gov prior to the PHC.

Parties who desire expedited or daily transcripts should advise the Chief Hearing Reporter via e-mail at reporting@cpuc.ca.gov, no later than three days prior to the date of the hearing.

IT IS RULED that:

1. A telephonic prehearing conference in Application 23-02-005 is scheduled on Thursday, March 30, 2023, starting at 10:00 a.m.
2. Parties are to meet and confer, and to file and serve a Joint Prehearing Conference Statement, addressing the inquiry set forth in the ruling above, by 2:00 p.m. on Tuesday, March 28, 2023.
3. If an environmental document was prepared for the Proposed Crossing or the project within which the Proposed Crossing was a part, the applicant shall file the environmental document by 2:00 p.m. on Tuesday, March 28, 2023.
4. If parties have prepared statements, they intend to make during the prehearing conference, please email them by 2:00 p.m. on Tuesday, March 28, 2023 to the court reporter at reporting@cpuc.ca.gov.
5. Parties shall comply with all Ground Rules set forth in the ruling above.

Dated March 17, 2023, at San Francisco, California.

/s/ MARGERY L. MELVIN
Margery L. Melvin
Administrative Law Judge