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Designated Representative for Complainant ABRAHAM GONZALEZ

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Abraham Gonzalez
Complainant,
Vs.

San Joaquin Valley Railroad Company, and
Genesee & Wyoming Railroad Services, Inc.

Defendants,

Case No: (C.) 26-05-016
(Filed July 24, 2026; Served July
24, 2026)

Commissioner: Mathew Baker

Administrative Law Judge: Leah
Goldberbg

JOINT PREHEARING
CONFERENCE STATEMENT

Shae Hatanaka
Representative for
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Served on July 24, 2026

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5 Designated Representative for Complainant ABRAHAM GONZALEZ

6 Jerome D. Rybarczyk, Esq. (Bar #103982)
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7 101 Pacifica, Suite 210
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8 Phone: (949) 253-7900
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10 Attorneys for Defendants SAN JOAQUIN VALLEY RAILROAD CO. and GENESEE &
11 WYOMING RAILROAD SERVICES, INC.

12
13 BEFORE THE PUBLIC UTILITIES COMMISSION
14 OF THE STATE OF CALIFORNIA
15

16 Abraham Gonzalez,

17 Complainant,

18 vs.

19 San Joaquin Valley Railroad Company, and
20 Genesee & Wyoming Railroad Services, Inc.

21 Defendants.
22

) Case No.: (C.) 26-05-016

) Commissioner: Matthew Baker
) Administrative Law Judge: Leah Goldberg

) **JOINT PREHEARING CONFERENCE**
) **STATEMENT**

) Conference Date: July 30, 2026
) Time: 10:00 a.m.
)
23

24 On July 23, 2026, complainant Abraham Gonzalez ("Gonzalez"), through his designated
25 representative Shae Hatanaka, and defendants San Joaquin Valley Railroad Co. ("SJVR") and
26 Genesee & Wyoming Railroad Services, Inc. ("GRSI"), through their attorney Jerome D.
27 Rybarczyk, met and conferred by telephone to discuss the items set forth below in this Joint
28 Statement.

1 **a. Name, phone number and e-mail address of individuals intending to speak at the PHC**

2 For complainant Gonzalez: Shae Hatanaka, (559) 382-5115, shaehatanaka@gmail.com and
3 delta.sand.gravel@outlook.com, is designated as the primary party representative. Complainant
4 Gonzalez, same phone number and e-mail addresses as above, may also speak at the PHC.

5 For defendants SJVR and GRSI: Jerome D. Rybarczyk, Esq. (949) 701-7402,
6 jrybarczyk@sms-law.com, is designated as the primary representative for these parties. Sam Jones,
7 Assistant General Manager for SJVR, (559) 805-8327, sam.jones@gwrr.com, may also speak at the
8 PHC.

9 **b. The proposed scope of issues to be decided in this proceeding**

10 Whether the defendants have a statutory obligation under Public Utilities Code § 7537 to
11 construct a private grade crossing at or near Milepost 164 of the SJVR West Side Subdivision in
12 Firebaugh, Fresno County, California so that complainant Gonzalez may use the same to access
13 two parcels of property he owns on the southwest side of North Dos Palos Road (State Route
14 33). The Public Utilities Commission has the authority to determine the necessity for any grade
15 crossing.

16 **c. The status of settlement discussions, if any**

17 There have been no settlement discussions. This is a matter for the PUC to decide.

18 **d. Whether mediation would help resolve the disputed issues**

19 As stated above, this is a matter for the PUC to decide.

20 **e. Whether any discovery is needed and the anticipated date that discovery would be**
21 **completed**

22 The parties may desire to serve some written discovery. Further, the defendants will seek to
23 gather information from the City of Firebaugh and County of Fresno concerning their positions on
24 a private grade crossing at or near Milepost 164. This discovery can be completed in 45 to 60 days.

25 **f. A proposed proceeding schedule**

26 Upon completion of discovery and investigation, a hearing may be held within 30 days
27 thereafter.

28 ///

1 **g. What material facts are undisputed**

2 In or about 2022, complainant Gonzalez constructed a private grade crossing at or near
3 Milepost 164 and this construction was done without permission or authorization from the
4 defendants. The complainant used this grade crossing to access his parcels of property. Thereafter,
5 defendant SJVR posted a sign on the grade crossing which stated as follows: "NOTICE. This is
6 private property. Trespassers are warned to KEEP OFF. San Joaquin Valley RR."

7 **h. What material facts are in dispute**

8 Whether complainant Gonzalez has other means of accessing his parcels of property apart
9 from a private grade crossing at or near Milepost 164.

10 **i. What legal issues re undisputed**

11 None.

12 **j. What legal issues are in dispute**

13 Whether complainant Gonzalez is entitle to the relief requested pursuant to Public Utilities
14 Code § 7537.

15 **l. Other issues relevant to this proceeding that a party wants to discuss at the PHC**

16 None.

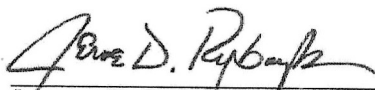
17
18 Dated: July 24, 2026



19 Shae Hatanaka
20 Designated Representative for
21 Complainant ABRAHAM GONZALEZ

22 Dated: July 23, 2026

SIMS LAW FIRM, LLP



24 Jerome D. Rybarczyk, Esq.
25 Attorneys for Defendants SAN JOAQUIN VALLEY
26 RAILROAD CO. and GENESEE & WYOMING
27 RAILROAD SERVICES, INC.
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