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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

Commissioner: Matthew Baker
Administrative Law Judge: Leah Goldberg

**PREPARED TESTIMONY OF JESSIE
UGAITAFA AND PATRICK
SPRINGMAN ON BEHALF OF
DEFENDANTS SAN JOAQUIN
VALLEY RAILROAD CO. AND
GENESEE & WYOMING RAILROAD
SERVICES, INC.**

TO COMMISSIONER MATTHEW BAKER, ADMINISTRATIVE LAW JUDGE LEAH
GOLDBERG, AND COMPLAINANT ABRAHAM GONZALEZ:

Defendants San Joaquin Valley Railroad Co. (SJVR) and Genesee & Wyoming Railroad
Services, Inc. (GRSI) submit the prepared testimony of witnesses Jessie Ugaitafa and Patrick
Springman in opposition to complainant Abraham Gonzalez's request for an order, pursuant to
Public Utilities Code § 7537, to allow the construction of a private grade crossing over SJVR's
track line at Milepost 164 of the West Side Subdivision in Fresno County. This opposition is based
on the following facts established by the prepared testimony and the admissions of the

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///

1 complainant:

2 1. Complainant Gonzalez's property on the west side of defendant SJVR's tracks is not
3 landlocked. Complainant has admitted that his vehicles can reach the property via a dirt access
4 road, approximately 1.9 miles in length, that intersects with 12th Street in the city of Firebaugh.

5 2. In 2023, complainant Gonzalez constructed a private grade crossing at Milepost 164
6 without permission or authorization from defendant SJVR. Complainant Gonzalez had heavy
7 commercial trucks use the grade crossing despite requests from defendant SJVR to stop using it.
8 These trucks spilled rocks, gravel, and other debris along and in between the rails at the grade
9 crossing. This created the immediate danger of causing a train to derail with possible injuries to the
10 train's crew members. This problem and danger will continue if a grade crossing is established.

11 Dated: October 12, 2026

SIMS LAW FIRM, LLP

12 /s/Jerome D. Rybarczyk

13 By: Jerome D. Rybarczyk, Esq.
14 Attorneys for Defendants SAN JOAQUIN VALLEY
15 RAILROAD CO. and GENESEE & WYOMING
16 RAILROAD SERVICES, INC.
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1 **PREPARED TESTIMONY OF JESSIE UGAITAFA**

2 **Q. Please state your name, occupation, and business address.**

3 A. My name is Jessie Ugaitafa. I am the General Manager for San Joaquin Valley Railroad Co.
4 (SJVR). My business address is 4200 Easton Drive, Suite 10, Bakersfield, California.

5 **Q. What is the nature of SJVR's railroad operations?**

6 A. SJVR is a Class III short line freight railroad that operates in California's Central
7 Valley/San Joaquin Valley around Fresno and Bakersfield. It serves agricultural and industrial
8 customers over approximately 418 miles of owned or leased track. The track is organized into
9 segments or branches known as subdivisions. The subdivision at issue in this matter is the West
10 Side Subdivision, which runs approximately 48 miles from Fresno northwest to Oxalis, California.

11 **Q. What is the relationship between defendants SJVR and Genesee & Wyoming Railroad**
12 **Services, Inc.?**

13 A. Genesee & Wyoming (GRSI) is an entity that provides administrative and support services
14 to SJVR, a subsidiary of Genesee & Wyoming, Inc.

15 **Q. How long have you been SJVR's General Manager and what are your duties and**
16 **responsibilities in that position?**

17 A. I have been the General Manager of SJVR since 2021. In that capacity, I oversee the daily
18 operations, safety, profitability, and strategic management of the railroad.

19 **Q. When did SJVR begin operations on the West Side Subdivision in Fresno County?**

20 A. SJVR began operating the southern portion of the former Southern Pacific Railroad's West
21 Side Line (now the West Side Subdivision) in March 1994. At that time, several private grade
22 crossings along the subdivision were already in existence. SJVR has not added any new private
23 grade crossings to the West Side Subdivision since it began operating that subdivision.

24 **Q. What is a private grade crossing?**

25 A. A private grade crossing is an at-grade intersection where a private roadway, driveway, or
26 pathway crosses a railroad track. These crossings are located on privately owned property such as
27 farms, residential driveways, or industrial plants. They are intended strictly for use by the property
28 owner or authorized invitees and licensees, not the general public.

1 **Q. At some point in time, did you become aware of the fact that an unauthorized private**
2 **grade crossing had been constructed on the West Side Subdivision?**

3 A. Yes. In the latter part of 2023, I was informed by SJVR personnel that a private grade
4 crossing had been constructed at Milepost 164 of the West Side Subdivision. That crossing
5 connected California State Route 33, a north/south two-lane highway, with vacant property on the
6 west side of the railroad tracks. The construction and use of the crossing was not authorized by
7 SJVR. No person or entity ever sought permission from the railroad to install a private grade
8 crossing at that location.

9 **Q. What did you do when you became aware of the unauthorized private grade crossing?**

10 A. I instructed SJVR personnel to determine who constructed the crossing, what it was being
11 used for, and to inform the property owners/users that they were trespassing on railroad property
12 and that they cease using the crossing immediately.

13 **Q. What did SJVR employees tell you about the unauthorized private grade crossing?**

14 A. I was informed that complainant Abraham Gonzalez and his company Delta Sand Gravel &
15 Recycling, Inc. in Mendota, California had constructed the unauthorized private grade crossing. I
16 was also informed that Gonzalez owned property adjacent to the west side of the tracks and that he
17 had heavy commercial trucks use the grade crossing to deposit rocks, gravel, and dirt on his
18 property. Further, I learned that SJVR employees told Gonzalez and his workers several times to
19 stop using the unauthorized grade crossing.

20 **Q. Did complainant Gonzalez stop using the unauthorized private grade crossing?**

21 A. No. I was informed that the private grade crossing was still being used but did not know the
22 extent of the continued use. In response to interrogatories served by SJVR, Gonzales stated the
23 following about his use of the grade crossing: 2023 – 592 times; 2024 – 200 times; and last use –
24 about January 2025. (See the SJVR interrogatories and Gonzalez's responses to interrogatory nos.
25 4-6, attached to this testimony as Exhibit A.)

26 **Q. Did complainant Gonzalez's use of the unauthorized private grade crossing create any**
27 **issues for SJVR operations on the West Side Subdivision?**

28

1 A. Yes. SJVR operates two trains per day on parts of the West Side Subdivision. On several
2 occasions, I was informed by railroad personnel that the heavy commercial trucks using the
3 unauthorized grade crossing had spilled rocks, gravel, and other debris along and in between the
4 rails at the grade crossing. This created the immediate danger of causing a train to derail with
5 possible injuries to the train's crew members. Fortunately, SJVR maintenance of way personnel
6 were notified of these potential problems and were able to clear the debris before any contact by a
7 train.

8 **Q. Did SJVR take any further action to prevent use of the unauthorized grade**
9 **crossing?**

10 A. Yes. A clearly visible sign was posted on the roadway between State Route 33 and the
11 railroad tracks which stated: "NOTICE. This is private property. Trespassers are warned to KEEP
12 OFF. San Joaquin Valley RR." I am uncertain as to the exact date the sign was put in place, but it
13 did occur sometime in 2023. (A true and correct copy of a Google Earth image from September
14 2024 which shows the unauthorized grade crossing and the above referenced sign is attached to this
15 testimony as Exhibit B.)

16 Additionally, SJVR contacted the Firebaugh Police Department and asked for assistance in
17 enforcing any trespassing violations by Gonzalez. The police department contacted Gonzalez and
18 verbally warned him against further trespassing on railroad property.

19 **Q. Are you aware of the fact that in January 2026, complainant Gonzalez filed an**
20 **application with GRSI to install a private grade crossing at Milepost 164?**

21 A. Yes, I am. That application was forwarded to me by Richard Fowler, Real Estate Manager
22 for GRSI in Jacksonville, Florida. Since I am the General Manager of SJVR with more knowledge
23 of the railroad's day-to-day operations than Mr. Fowler, the decision to approve or deny the
24 application was ultimately my decision to make. I consulted with Sam Jones, SJVR's Assistant
25 General Manager. Together we reviewed the facts of this matter and the criteria used to evaluate
26 the request for construction of a private grade crossing. After this review, the decision was made to
27 deny the application for the private grade crossing at Milepost 164.

28 **Q. What criteria did you use in evaluating the request for construction of a private grade**

1 **crossing at Milepost 164?**

2 A. Applications for a new private grade crossing are evaluated on a case by case basis.

3 The key evaluation factors are as follows: Absolute Necessity – verify that no alternative access to
4 the property is available; Roadway User and Vehicle Types – identify the volume, frequency, and
5 classification of vehicles which will use the crossing, placing special emphasis on heavy trucks and
6 equipment; Train Traffic Characteristics – analyze the number of daily trains, train speeds, and
7 acceleration/braking profiles; Sight Distance and Geometry – analyze the approach angles, and
8 clearing sight distances to ensure that vehicles can adequately spot oncoming trains; and Public
9 Safety and Exposure – analyze the risk of train-vehicle collisions at the crossing and collisions on
10 nearby public roadways or highways.

11 “Absolute necessity” is the primary justification required to approve a new private grade
12 crossing. Because federal agencies and railroads maintain a strict safety policy aimed at
13 consolidating and eliminating at-grade crossings, "absolute necessity" serves as the strict threshold
14 a land or property owner must meet.

15 **Q. Why did you make the decision to deny complainant Gonzalez’s request for**
16 **construction of a private grade crossing at Milepost 164?**

17 A. Gonzalez’s application to convert a closed, illegal private grade crossing into an approved
18 grade crossing was rejected for several reasons. First, there is no absolute necessity for a private
19 grade crossing at Milepost 164. Gonzalez’s land adjacent to the railroad tracks is not landlocked.
20 He can and has accessed his property via a dirt road, approximately 1.9 miles in length, that
21 roughly parallels the railroad tracks and State Route 33. That dirt access road intersects with 12th
22 Street in Firebaugh. Second, Gonzalez intends to use his land and has used his land to store rocks,
23 gravel, and dirt for his business in Mendota. His heavy commercial trucks have spilled rocks,
24 gravel, and other debris on the tracks at the illegal grade crossing, which created a hazard for SJVR
25 trains that had to be cleaned up in order to prevent a possible derailment. Third, the illegal grade
26 crossing’s close proximity to State Route 33 creates the danger of a train vs. truck accident at the
27 grade crossing that could affect vehicles and public safety on the highway.

1 Q. Since the filing of the complaint by Gonzalez with the Public Utilities Commission on
2 May 7, 2026, have you received any information or reviewed any documents which would
3 cause you to change your decision to deny the application for a private grade crossing at
4 Milepost 164?

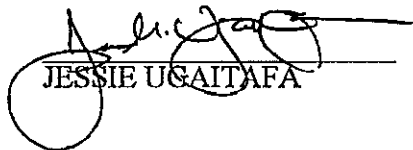
5 A. No.

6 Q. Does that conclude your testimony?

7 A. Yes.

8 I declare under penalty of the laws of the state of California that the foregoing testimony is
9 a true and accurate representation of the testimony I would provide if a called and sworn as a
10 witness in this matter.

11 DATED: October 12, 2026


JESSIE UGAITAF

1 **PREPARED TESTIMONY OF PATRICK SPRINGMAN**

2 **Q. Please state your name, occupation, and business address.**

3 A. My name is Patrick Springman. I have been employed by San Josquin Valley Railroad Co.
4 (SJVR) since 2000. My position with the railroad since 2018 has been Trainmaster. My business
5 address is 221 North F Street, Exeter, California.

6 **Q. What are your duties and responsibilities as a SJVR Trainmaster?**

7 A. I am a manager responsible for overseeing daily train operations, safety compliance, and
8 crew management in Exeter north to the Fresno area. The West Side Subdivision, which runs
9 approximately 48 miles from Fresno northwest to Oxalis, California, is in the territory that I
10 manage.

11 **Q. At some point in time, did you become aware of the fact that an unauthorized private**
12 **grade crossing had been constructed on the West Side Subdivision?**

13 A. Yes. I believe that I learned about the unauthorized private grade crossing in 2023. I was
14 informed by one or more employees under my supervision that a grade crossing had been
15 constructed at Milepost 164 of the West Side Subdivision. That crossing connected California State
16 Route 33, a north/south two-lane highway, with vacant property on the west side of the railroad
17 tracks. I inquired and found out that SJVR had not given anyone permission to construct this
18 crossing.

19 **Q. Did you ever learn any further information about the unauthorized private grade**
20 **crossing?**

21 A. I was informed by one or more employees under my supervision that complainant Abraham
22 Gonzalez and his company Delta Sand Gravel & Recycling, Inc., based in Mendota, California, had
23 constructed the unauthorized private grade crossing. I was also informed that Gonzalez owned
24 property adjacent to the west side of the tracks and that he had heavy commercial trucks use the
25 grade crossing to deposit rocks, gravel, and dirt on his property.

26 **Q. Was complainant Gonzalez told by SJVR to stop using the unauthorized private grade**
27 **crossing?**

28 A. Yes, but he did not comply with this request.

1 **Q. Did SJVR take any further action to prevent use of the unauthorized grade**
2 **crossing?**

3 A. Yes. A clearly visible sign was posted on the roadway between State Route 33 and the
4 railroad tracks which stated: "NOTICE. This is private property. Trespassers are warned to KEEP
5 OFF. San Joaquin Valley RR." I believe that this sign was placed on the roadway in 2023.

6 Additionally, SJVR contacted the Firebaugh Police Department and asked for assistance in
7 enforcing any trespassing violations by Gonzalez. On January 11, 2024, I was copied on
8 Gonzalez's email to Firebaugh Police Chief Salvador Raygoza and Raygoza's reply. In his
9 response, Chief Raygoza stated that "your [Gonzalez's] company has been verbally warned,
10 ignored posted no trespass signs, moved trespass signs to allow trucks to cross and received written
11 notices regarding this matter." (True and correct copies of the above referenced emails are attached
12 to this testimony as Exhibit A.)

13 **Q. Is complainant Gonzalez's property on the west of the railroad tracks at Milepost 164**
14 **landlocked?**

15 A. No. A dirt access road connects 12th Street in Firebaugh with the Gonzalez property. I have
16 driven the road, which is straight and level, and it is approximately 1.9 miles from 12th Street to the
17 property. The road is roughly parallel to State Route 33 and the SJVR railroad tracks. I have also
18 measured the width of the road and it varies from 13 feet to 17 feet. It is my understanding that the
19 average width of a lane of travel on a highway is 12 feet. I photographed the intersection of the dirt
20 access road and 12th Street on July 28, 2026. (A true and correct copy of that photograph is attached
21 to this email as Exhibit B.) In response to requests for admissions served by SJVR, Gonzalez has
22 admitted that his trucks can use the dirt access road to reach his property. (See the SJVR requests
23 for admission and Gonzalez's responses to request nos. 11 and 15, attached to this testimony as
24 Exhibit C.)

25 **Q. When did you last examine the unauthorized grade crossing at Milepost 164 and what**
26 **did you observe?**

27 A. I last examined the unauthorized grade crossing on October 6, 2026. The "No Trespassing"
28 sign was gone and there was dirt and debris on both sides of the rails and in between the rails. A

1 further build-up of these materials in those areas could potentially cause a train to derail. I
2 photographed the unauthorized grade crossing during my examination of that area. (True and
3 correct copies of the photographs that I took are attached to this testimony as Exhibit D.)

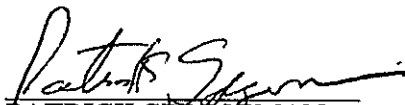
4 Additionally, I drove on the dirt access road from 12th Street in Firebaugh to the Gonzalez
5 property. I observed a large mound of dirt and tire tracks leading from/to dirt access road, which
6 indicates that road has been used to deposit materials on the property. I took photographs of my
7 observations. (True and correct copies of these photographs are attached as Exhibit E.) In the first
8 photograph, my white truck is parked on the dirt access road. In the second photograph, the black
9 car is traveling on State Route 33 and the unauthorized grade crossing on the west side of the tracks
10 can be seen to the left of the dirt mound.

11 **Q. Does that conclude your testimony?**

12 **A. Yes.**

13 I declare under penalty of the laws of the state of California that the foregoing testimony is
14 a true and accurate representation of the testimony I would provide if a called and sworn as a
15 witness in this matter.

16 DATED: October 12, 2026


PATRICK SPRINGMAN

Exhibits for J. Ugaitafa Prepared Testimony

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Attorneys for Defendants SAN JOAQUIN VALLEY RAILROAD CO. and GENESEE & WYOMING RAILROAD SERVICES, INC.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Abraham Gonzalez,	)	Case No.: (C.) 26-05-016
	)	(Filed May 7, 2026; Served June 4, 2026)
Complainant,	)	
	)	Commissioner: Matthew Baker
vs.	)	Administrative Law Judge: Leah Goldberg
	)	
San Joaquin Valley Railroad Company, and	)	DEFENDANT SAN JOAQUIN VALLEY
Genesee & Wyoming Railroad Services, Inc.	)	RAILROAD CO.'S
	)	INTERROGATORIES PROPOUNDED
	)	TO COMPLAINANT ABRAHAM
Defendants.	)	GONZALEZ
	)	

PROPOUNDING PARTY: Defendant SAN JOAQUIN VALLEY RAILROAD CO.
RESPONDING PARTY: Complainant ABRAHAM GONZALEZ
SET NUMBER: ONE

Defendant San Joaquin Valley Railroad Co. propounds the following first set of interrogatories to complainant Abraham Gonzalez. Pursuant to the order entered at the time of the Prehearing Conference, complainant has ten (10) days to respond to these interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1:

State when you purchased the PROPERTY. (As used throughout these interrogatories, the

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word "PROPERTY" means the two parcels of land (Parcels A and B) identified in the complaint filed with the Public Utilities Commission).

INTERROGATORY NO. 2:

State why you purchased the PROPERTY.

INTERROGATORY NO. 3:

State the uses that you have made of the PROPERTY.

INTERROGATORY NO. 4:

State the date(s) you constructed the private grade crossing at or about Milepost 164 of the San Joaquin Valley Railroad Co. West Side Subdivision.

INTERROGATORY NO. 5:

For each year since you constructed the private grade crossing at or about Milepost 164 of the San Joaquin Valley Railroad Co. West Side Subdivision, state the number of times your vehicles have used the grade crossing to access your PROPERTY.

INTERROGATORY NO. 6:

State the last time one of your vehicles used the private grade crossing at or about Milepost 164 of the San Joaquin Valley Railroad Co. West Side Subdivision to access your PROPERTY.

INTERROGATORY NO. 7:

State why you stopped using the private grade crossing at or about Milepost 164 of the San Joaquin Valley Railroad Co. West Side Subdivision to access your PROPERTY.

INTERROGATORY NO. 8:

How many times have you or your employees used the dirt access road that intersects with 12th Street in Firebaugh to travel to your PROPERTY.

INTERROGATORY NO. 9:

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;

(b) state all facts on which you base your response;

1 (c) state the names, addresses, and phone numbers of all persons who have knowledge of
2 those facts; and

3 (d) identify all documents and other tangible things that support your response, and the
4 name, address, and telephone number of the person who has each document or thing.

5 Dated: August 28, 2026

SIMS LAW FIRM, LLP

6 /s/Jerome D. Rybarczyk

7 Jerome D. Rybarczyk, Esq.
8 Attorneys for Defendants SAN JOAQUIN VALLEY
9 RAILROAD CO. and GENESEE & WYOMING
10 RAILROAD SERVICES, INC.

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On August 28, 2026, I served the foregoing documents on the interested parties in this action:

[X] by placing the true copies thereof enclosed in sealed envelopes addressed as listed below:

[] **BY MAIL:** I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, said correspondence is deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business; and there is delivery service by United States mail at the place so addressed.

[] **BY PERSONAL SERVICE:** I caused to be delivered such envelope by hand to counsel listed on the attached personal service list. Executed on August 28, 2026, at Irvine, California.

[] **BY FACSIMILE TRANSMISSION:** See attached Proof of Transmission by Fax. The telephone number on the facsimile machine I used is (949) 253-7930. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2009, I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

[X] **(State):** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed August 28, 2026, at Irvine, California.

Jodie A. Mortimore

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SERVICE LIST
Gonzalez, Abraham v. SJVR, GRSI

Abraham Gonzalez
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COMPLAINANT

FOR INFORMATION
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1 Shae Hatanaka
1305 W. Belmont Avenue
2 Mendota, CA 93640
3 Phone: 559-382-5115
4 shahatanaka@gmail.com
delta.sand.gravel@outlook.com

5 Designated Representative for Complainant Abraham Gonzalez
6
7

8 **BEFORE THE PUBLIC UTILITIES COMMISSION**
9 **OF THE STATE OF CALIFORNIA**
10

11 Abraham Gonzalez	)	Case No: (C.) 26-05-016
	)	Filed May 7, 2026 Served June 4, 2026
	)	
13 Complainant,	)	Commissioner: Mathew Baker
	)	Administrative Law Judge: Leah Goldberg
14 Vs.	)	
	)	COMPLAINANT ABRAHAM GONZALEZ'
15 San Joaquin Valley Railroad Company, and	)	RESPONSE TO INTERROGATORIES
16 Genesee & Wyoming Railroad Services, Inc.	)	PROPOUNDED BY DEFENDANT
	)	SAN JOAQUIN VALLEY RAILROAD CO.
17 Defendants,	)	
	)	

18
19 **PROPOUNDING PARTY:** Defendant San Joaquin Valley Railroad Co.
20 **RESPONDING PARTY:** Abraham Gonzalez
21 **SET NUMBER:** One

22 Complainant Abraham Gonzalez responds to the following first set of interrogatories
23 Propounded by Defendant San Joaquin Valley Railroad Co. Pursuant to the order entered at the
24 time of the Prehearing Conference, complainant has ten (10) days to respond to these interrogatories.

25 **RESPONSE TO INTERROGATORIES**

26 **INTERROGATORY NO. 1**

27 I purchased the PROPERTY on 11/19/2012.
28

1 **INTERROGATORY NO. 2**

2 I purchased the property for future expansion of current business.

3 **INTERROGATORY NO. 3**

4 My past and current uses of the property have been limited to the import of non-expandable fill dirt in
5 Effort to grade and level the property for further use.

6 **INTERROGATORY NO. 4**

7 I constructed the grade crossing at or about Milepost 164 of San Joaquin Valley Railroad Co. West
8 Side Subdivision at or about September 2023.

9 **INTERROGATORY NO. 5**

10 In the year 2023, my vehicles used the grade crossing at or Milepost 164 of the San Joaquin Valley
11 Railroad Co. West Side Subdivision 592 times. In the year 2024, my vehicles used the grade
12 Crossing about 200 times.

13 **INTERROGATORY NO. 6**

14 The last time one of my vehicles used the private grade crossing at or about Milepost 164 of the San
15 Joaquin Valley Railroad Co. West Side Subdivision was about January 2025.

16 **INTERROGATORY NO. 7**

17 I stopped using the private grade crossing at or about Milepost 164 of the San Joaquin Valley
18 Railroad Co. West Side Subdivision to access my PROPERTY after I received an email from City
19 Of Firebaugh Police Department advising me not to and the subsequent posting of signage blocking
20 The use of the crossing all together.

21 **INTERROGATORY NO. 8**

22 My employees and/or myself have used the canal bank access that intersects with 12th Street in
23 Firebaugh to travel to my PROPERTY about 50 times.

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1 **INTERROGATORY NO. 9**

2 The responses to the interrogatories propounded to me are all unqualified admissions except the
3 Following:

4 **a.) REQUEST FOR ADMISSION NO 9.**

5
6 b.) Complainant's employees who have used the grade crossing at Milepost 164 have attested
7 that prior to our discontinued use of the grade crossing no trespassing signage has ever been
8 observed at Milepost 164.

9 **c.) Jose Sandoval -- Commercial Driver**

10 Mendota, CA 559-351-7086

11 Barry Velasco -Equipment Operator

12 Mendota, CA 93640 559-630-3236

13 Abraham Gonzalez -- Complainant

14 Kerman, CA 93630 559-567-1051

15
16
17 **a.) REQUEST FOR ADMISSION NO. 16 & NO. 17**

18 b.) After rainy weather, the canal access gets muddy and both personal and commercial
19 Vehicles get stuck preventing travel. The canal access is a one lane unpaved embankment.
20 The canal access is narrow making travel in any vehicle challenging.

21
22 **c.) Gonzalez Tire Shop, Towing, Auto and Truck Dismantling, Inc.**

23 1297 Oller Street

24 Mendota, CA 93640

25 Winched out stuck vehicles from canal access road

26 Erik Moreno - Wrecker Operator

27 Madera, CA 559-975-3399
28

1 Abraham Gonzalez- Complainant

2 Kerman, CA 93630 559-567-1051

3
4 d.) Invoice of winch out service provided by Gonzalez Tire Shop, Towing, Auto Truck
5 Dismantling, Inc.

6 a.) **REQUEST FOR ADMISSION NO. 19**

7 b.) According to Title Insurance Standards, a canal dirt road without an easement leaves a
8 parcel of land legally landlocked.

9 c.) Abraham Gonzalez – Complainant

10 Kerman, CA 93630 559-567-1051

11 Shae Hatanaka

12 Firebaugh, CA 93622 559-355-6779

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17 Dated September 9, 2026

Shae Hatanaka

Shae Hatanaka

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.

Case No: © 26-05-016
(Filed July 24, 2026; Served July
274, 2026)
Commissioner: Mathew Baker
Administrative Law Judge:
Leah Goldberg

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused the attached

**“RESPONSE TO INTERROGATORIES
PROPOUNDED BY DEFENDANT
SAN JOAQUIN VALLEY RAILROAD CO,”**

to be served pursuant to the CPUC’s Rules of Practice and Procedure upon the official service list for (C.) 26-05-016, obtained from the CPUC’s website and attached hereto, by electronic mail (e-mail) to all persons with a valid e-mail address on the official service list and by U.S. Mail to all parties without a valid e-mail address on the official service list. I have also sent a hard copy by U.S. Mail to the Assigned Administrative Law Judge in this proceeding.

Executed *September 16, 2026* at Mendota, Ca.

Shae Hatanaka;
Representative for
Abraham
Gonzalez

Tel: 559-382-5115

E-mail: delta.sand.gravel@outlook.com

Allison Fergus

Gen. Counsel & Secretary

GENESEE & WYOMING RAILROAD SERVICES, INC.

20 WEST STREET

DARIEN CT 06820

(203) 202-8900

For: Genesee & Wyoming Railroad Services, Inc.

Lisa Gasser

Vp

SAN JOAQUIN RAILROAD COMPANY

1855 WET BASELINE ROAD, STE 200

MESA, AZ 85202

(800) 757-7387

For: San Joaquin Valley Railroad Company

Leah Goldberg

Administrative Law Judge Division

505 Van Ness Avenue

San Francisco, Ca 94102-3298

(415) 696-7306

lgg@cpuc.ca.gov

Joseph Wiedman

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115 BROAD STREET SUITE 157

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(510) 219-6925

Joe@jfwiedman.com

Jerome D. Rybarezyk, esq. (Bar #103982)

SIMS LAW FIRM, LLP.

101 Pacifica, Suite 210

Irvine, CA 92618

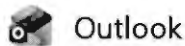
(949) 253-7930

jrybarczyk@sms-law.com



Grade crossing – 9926 N. Dos Palos Road, Firebaugh, CA

Exhibits for P.
Springman
Prepared
Testimony



Re: Crossing @ marker 164

From Abraham Gonzalez <delta.sand.gravel@outlook.com>

Date Thu 1/11/2024 6:07 PM

To Raygoza, Salvador (Firebaugh PD) <Salvador.Raygoza@fcle.org>

Cc Ben Gallegos <BGallegos@Firebaugh.org>; pat.springman@gwrr.com <pat.springman@gwrr.com>; Xiong, Khoua (Firebaugh PD) <Khousa.Xiong@fcle.org>

Thank you for your response on this matter. I was unaware of the efforts made by your Department, and I can appreciate your concerns. I will advise Mr. Gonzalez to abandon all interest in "Crossing 164" until all permits and authorizations are in place and the proper procedure is followed.

You mentioned the use of properly authorized crossings that have been designed and approved by the railroad company. Is there such a crossing that exists that we can use to access our property? I find it odd that one could own a property and yet it would be illegal for him to access it. If there is another way to access this property, please let me know.

Regards,

Shae Hatanaka
Delta, Sand, Gravel & Recycling, Inc.
559-355-6779

Get [Outlook for Android](#)

From: Raygoza, Salvador (Firebaugh PD) <Salvador.Raygoza@fcle.org>

Sent: Thursday, January 11, 2024 4:27:59 PM

To: Abraham Gonzalez <delta.sand.gravel@outlook.com>

Cc: Ben Gallegos <BGallegos@Firebaugh.org>; pat.springman@gwrr.com <pat.springman@gwrr.com>; Xiong, Khousa (Firebaugh PD) <Khousa.Xiong@fcle.org>

Subject: RE: Crossing @ marker 164

Good afternoon Mr. Hatanaka and Mr. Gonzalez,

Thank you for your email. It is important to note that we have been granted full authority from the railroad company representatives to enforce any violations of trespassing and document the incidents that could cause damage to the railroad property or potentially cause a train derailment in the future due to your company illegal crossings with heavy loaded trucks without proper permits and continued violations.

EXHIBIT A

While the application for permits from Mr. Gonzalez to the railroad company is not authorization itself, your company has been verbally warned, ignored posted no trespass signs, moved trespass signs to allow trucks to cross and received written notices regarding this matter. I know that the railroad company will be following up and taking further steps to rectify the issue, as it seems that your company has shown a lack of respect warnings and lack of concern for railroad safety.

Also in light of Mr. Gonzalez's threats of lawsuits against the city, we have decided that there will be no meetings. It is important to clarify that we believe we have done nothing wrong, but simply enforced the law and protect our citizens from a potential hazardous situation if a train ever derails because your company failed to use properly authorized crossings that have been designed and approved by the railroad company. We understand the need for safety and compliance in such matters.

In the same issue I am sure your company does not have proper permits from Cal Trans since you are crossing over their property too and made a driveway without authorization.

Thank You

From: Abraham Gonzalez <delta.sand.gravel@outlook.com>
Sent: Thursday, January 11, 2024 3:05 PM
To: b.gallegos@firebaugh.org
Cc: Raygoza, Salvador (Firebaugh PD) <Salvador.Raygoza@fcle.org>
Subject: Crossing @ marker 164

You don't often get email from delta.sand.gravel@outlook.com. [Learn why this is important](#)

** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. **

Good Afternoon Sirs,

Abraham Gonzalez, president and owner of Delta Sand, Gravel, & Recycling, Inc. requests a meeting at your earliest convenience regarding the crossing at RR marker 164, in Firebaugh, CA. Abraham Gonzalez is the owner of parcels 007-030-01 and 007-061-09 in Firebaugh, CA., and crossing 164 is the only access to his property as to my knowledge. Abraham Gonzalez is currently working with San Joaquin Valley Railroad Company regarding this crossing and an application is processing. Please respond so that Abraham Gonzalez can speak with you regarding any issues with the Crossing at RR marker 164 in Firebaugh, CA.

Respectfully,



Jerome D. Rybarczyk, Esq. (Bar #103982)
SIMS LAW FIRM, LLP
101 Pacifica, Suite 210
Irvine, CA 92618
Phone: (949) 253-7900
Fax: (949) 253-7930
jrybarczyk@sms-law.com

Attorneys for Defendants SAN JOAQUIN VALLEY RAILROAD CO. and GENESEE &
WYOMING RAILROAD SERVICES, INC.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Abraham Gonzalez,	)	Case No.: (C.) 26-05-016
	)	(Filed May 7, 2026; Served June 4, 2026)
Complainant,	)	
	)	Commissioner: Matthew Baker
vs.	)	Administrative Law Judge: Leah Goldberg
	)	
San Joaquin Valley Railroad Company, and	)	DEFENDANT SAN JOAQUIN VALLEY
Genesee & Wyoming Railroad Services, Inc.	)	RAILROAD CO.'S REQUESTS FOR
	)	ADMISSION PROPOUNDED TO
	)	COMPLAINANT ABRAHAM
Defendants.	)	GONZALEZ
	)	

PROPOUNDING PARTY: Defendant SAN JOAQUIN VALLEY RAILROAD CO.

RESPONDING PARTY: Complainant ABRAHAM GONZALEZ

SET NUMBER: ONE

Defendant San Joaquin Valley Railroad Co. propounds the following first set of requests for admission to complainant Abraham Gonzalez. It is requested that complainant admit the truth of specified matters of fact, opinion relating to fact, and application of law to fact. Pursuant to the order entered at the time of the Prehearing Conference, complainant has ten (10) days to respond to these requests.

///

///

1 **REQUESTS FOR ADMISSION**

2 **REQUEST FOR ADMISSION NO. 1:**

3 Admit that YOU constructed a private grade crossing at or near Milepost 164 of San
4 Joaquin Valley Railroad Co.'s West Side subdivision. (As used throughout these requests, the word
5 "YOU" means Abraham Gonzalez, his employees, agents, contractors, or persons hired by him.)

6 **REQUEST FOR ADMISSION NO. 2:**

7 Admit that YOU constructed a private grade crossing at or near Milepost 164 of San
8 Joaquin Valley Railroad Co.'s West Side subdivision without authorization from San Joaquin
9 Valley Railroad Co.

10 **REQUEST FOR ADMISSION NO. 3:**

11 Admit that YOU constructed a private grade crossing at or near Milepost 164 of San
12 Joaquin Valley Railroad Co.'s West Side subdivision without authorization from Genesee &
13 Wyoming Railroad services, Inc.

14 **REQUEST FOR ADMISSION NO. 4:**

15 Admit that there was no private grade crossing at or near Milepost 164 of San Joaquin
16 Valley Railroad Co.'s West Side subdivision prior to the time YOU constructed a grade crossing.

17 **REQUEST FOR ADMISSION NO. 5:**

18 Admit that YOU had your trucks use the private grade crossing at or near Milepost 164 of
19 San Joaquin Valley Railroad Co.'s West Side Subdivision after you constructed a grade crossing.

20 **REQUEST FOR ADMISSION NO. 6:**

21 Admit that YOU did not have permission from San Joaquin Valley Railroad Co. to use the
22 private grade crossing at or near Milepost 164 of the West Side Subdivision.

23 **REQUEST FOR ADMISSION NO. 7:**

24 Admit that YOU did not have permission from Genesee & Wyoming Railroad Services,
25 Inc. to use the private grade crossing at or near Milepost 164 of the West Side Subdivision.

26 **REQUEST FOR ADMISSION NO. 8:**

27 Admit that YOU have used the private grade crossing at Milepost 164 of the West Side
28 Subdivision to access your PROPERTY to grade that property and store items on the property. (As

1 used throughout these requests, the word "PROPERTY" means the two parcels of land (Parcels A
2 and B) identified in the complaint filed with the Public Utilities Commission).

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU have trespassed on San Joaquin Valley Railroad Co. property whenever
5 your trucks have used the private grade crossing at Milepost 164 to access your PROPERTY.

6 **REQUEST FOR ADMISSION NO. 10:**

7 Admit that the image attached hereto as Exhibit A shows the intersection of 12th Street in
8 Firebaugh and the dirt access road can be used to travel to your PROPERTY.

9 **REQUEST FOR ADMISSION NO. 11:**

10 Admit that YOU can use the dirt access road shown in Exhibit A to travel to your
11 PROPERTY.

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that the distance from the intersection of 12th Street in Firebaugh and the dirt access
14 road shown in Exhibit A to your PROPERTY is 1.9 miles.

15 **REQUEST FOR ADMISSION NO. 13:**

16 Admit that the distance from the intersection of 12th Street in Firebaugh and the dirt access
17 road shown in Exhibit A to your PROPERTY is less than 2.5 miles.

18 **REQUEST FOR ADMISSION NO. 14:**

19 Admit that the distance from the intersection of 12th Street in Firebaugh and the dirt access
20 road shown in Exhibit A to your PROPERTY is less than 2.0 miles.

21 **REQUEST FOR ADMISSION NO. 15:**

22 Admit that YOU can have your trucks use the dirt access road shown in Exhibit A to access
23 your PROPERTY.

24 **REQUEST FOR ADMISSION NO. 16:**

25 Admit that there is nothing that prevents your trucks from using the dirt access road shown
26 in Exhibit A to access your PROPERTY.

27 ///

28 ///

1 **REQUEST FOR ADMISSION NO. 17:**

2 Admit that the dirt access road shown in Exhibit A allows adequate access to your
3 PROPERTY.

4 **REQUEST FOR ADMISSION NO. 18:**

5 Admit that you have used the dirt access road shown in Exhibit A to access your
6 PROPERTY.

7 **REQUEST FOR ADMISSION NO. 19:**

8 Admit that your PROPERTY is not landlocked.

9 **REQUEST FOR ADMISSION NO. 20:**

10 Admit that when you purchased the PROPERTY, you knew that there was no grade
11 crossing that connected it with State Route 33.

12 Dated: August 28, 2026

SIMS LAW FIRM, LLP

13 */s/Jerome D. Rybarczyk*

14 Jerome D. Rybarczyk, Esq.
15 Attorneys for Defendants SAN JOAQUIN VALLEY
16 RAILROAD CO. and GENESEE & WYOMING
17 RAILROAD SERVICES, INC.
18
19
20
21
22
23
24
25
26
27
28



EXHIBIT
A

1 Shae Hatanaka
1305 W. Belmont Avenue
2 Mendota, CA 93640
Phone: 559-382-5115
3 shaehatanaka@gmail.com
4 delta.sand.gravel@outlook.com

5 Designated Representative for Complainant Abraham Gonzalez
6
7

8 **BEFORE THE PUBLIC UTILITIES COMMISSION**
9 **OF THE STATE OF CALIFORNIA**
10

11 Abraham Gonzalez

12
13 Complainant,

14 Vs.

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

17
18 Defendants,
19

) Case No: (C.) 26-05-016
) Filed May 7, 2026 Served June 4, 2026
)
) Commissioner: Mathew Baker
) Administrative Law Judge: Leah Goldberg
)
) **COMPLAINANT ABRAHAM GONZALEZ'**
) **RESPONSE TO REQUESTS FOR**
) **ADMISSION PROPOUNDED BY**
) **DEFENDANT SAN JOAQUIN VALLEY**
) **VALLEY RAILROAD CO.**
)
)

20 PROPOUNDING PARTY: Defendant San Joaquin Valley Railroad Co.

21 RESPONDING PARTY: Abraham Gonzalez

22 SET NUMBER: One

23 Complainant Abraham Gonzalez responds to the following first set of Requests for
24 Admission propounded by Defendant San Joaquin Valley Railroad Co. Pursuant to the order
25 entered at the time of the Prehearing Conference, complainant has ten (10) days to respond to these
26 Requests for Admissions

27 **RESPONSE TO REQUESTS FOR ADMISSIONS**

28 **REQUEST FOR ADMISSION NO. 1**

1 Admit

2 **REQUEST FOR ADMISSION NO. 2**

3 Admit

4 **REQUEST FOR ADMISSION NO. 3**

5 Admit

6 **REQUEST FOR ADMISSION NO. 4**

7 Admit

8 **REQUEST FOR ADMISSION NO. 5**

9 Admit

10 **REQUEST FOR ADMISSION NO. 6**

11 Admit

12 **REQUEST FOR ADMISSION NO. 7**

13 Admit

14 **REQUEST FOR ADMISSION NO. 8**

15 Admit

16 **REQUEST FOR ADMISSION NO. 9**

17 Deny. Prior to our discontinued use of the grade crossing there was no posted signage informing
18 that use of the grade crossing is trespassing.

19 **REQUEST FOR ADMISSION NO. 10**

20 Admit

21 **REQUEST FOR ADMISSION NO. 11**

22 Admit

23 **REQUEST FOR ADMISSION NO. 12**

24

1 Admit

2 **REQUEST FOR ADMISSION NO. 13**

3 Admit

4 **REQUEST FOR ADMISSION NO. 14**

5 Admit

6 **REQUEST FOR ADMISSION NO. 15**

7 Admit

8 **REQUEST FOR ADMISSION NO. 16**

9 Deny. Due to the nature of a canal bank, the narrow one lane unpaved road presents many issues
10 That have and will continue to prevent our trucks from using the dirt access shown in Exhibit A.
11 During the rainy season, our vehicles both commercial and personal have gotten "stuck in the mud"
12 While using this access blocking all passage until a towing wrecker was able to winch us free.
13 Furthermore, the narrow banks are not designed to accommodate an 80,000 lb. vehicle, thus
14 making it unrealistic access and quite possibly weakening the integrity of the canal road as well.
15

16 **REQUEST FOR ADMISSION NO. 17**

17 Deny. For reasons mentioned in REQUEST FOR ADMISSION NO 16, the canal road does not
18 provide adequate access to our PROPERTY.
19

20 **REQUEST FOR ADMISSION NO. 18**

21 Admit

22 **REQUEST FOR ADMISSION NO. 19**

23 Deny. It is in complainant's best judgement that indeed our PROPERTY is landlocked. A canal
24 Bank is exactly what it is. It is the side of a dug out trench used to transport water to agriculture.
25 It is not a fortified road nor was it ever intended to be. Therefore, having no adequate access to
26
27
28

1 Complainant's property qualifies it for being landlocked. Furthermore, a canal dirt road without an
2 Easement leaves a parcel legally landlocked according to Title Insurance Standards.

3 **REQUEST FOR ADMISSION NO. 20**

4 Admit

5
6
7 Dated September 9, 2026

Shae Hatanaka

Shae Hatanaka

Designated Representative for Complainant

Abraham Gonzalez







EXHIBIT E



1 **PROOF OF SERVICE BY EMAIL**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and not
3 a party to the within action; my business address is 101 Pacifica, Suite 210, Irvine, CA 92618.

4 On October 12, 2026, I served the foregoing documents on the interested parties in this action:

5 **PREPARED TESTIMONY OF JESSIE UGAITAFI AND PATRICK SPRINGMAN ON**
6 **BEHALF OF DEFENDANTS SAN JOAQUIN VALLEY RAILROAD CO. AND**
GENESEE & WYOMING RAILROAD SERVICES, INC.

7 [X] by placing the true copies thereof enclosed in sealed envelopes addressed as listed below:

8 **See Attached Service List**

9 [] **BY MAIL:** I deposited such envelope in the mail at Irvine, California. The envelope was
10 mailed with postage thereon fully prepaid. I am “readily familiar” with the firm’s practice
11 of collection and processing correspondence for mailing. Under that practice, said
12 correspondence is deposited with the United States Postal Service on that same day with
13 postage thereon fully prepaid at Irvine, California in the ordinary course of business; and
14 there is delivery service by United States mail at the place so addressed.

15 I am aware that on motion of the party served, service is presumed invalid if postal
16 cancellation date or postage meter date is more than one day after date of deposit for
17 mailing in affidavit. Executed on October 12, 2026, at Irvine, California.

18 [] **BY PERSONAL SERVICE:** I caused to be delivered such envelope by hand to counsel
19 listed on the attached personal service list. Executed on October 12, 2026, at Irvine,
20 California.

21 [X] **BY E-SERVICE** I caused the above document to be emailed to counsel and sent from
22 jmortimore@sms-law.com executed on October 12, 2026, at Irvine, California.

23 [] **BY FACSIMILE TRANSMISSION:** See attached Proof of Transmission by Fax. The
24 telephone number on the facsimile machine I used is (949) 253-7930. The facsimile
25 machine I used complied with Rule 2003(3) and no error was reported by the machine.
26 Pursuant to Rule 2009, I caused the machine to print a transmission record of the
27 transmission, a copy of which is attached to this declaration.

28 [] **(Federal Express):** I caused such envelope(s) to be delivered by air courier, with next
day service.

[X] **(State):** I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct. Executed October 12, 2026, at Irvine, California.

/s/ Jodie A. Mortimore

Jodie A. Mortimore

SERVICE LIST
Gonzalez, Abraham v. SJVR, GRSI

Abraham Gonzalez
Attn: Shae Hatanaka
1305 W. Belmont Avenue
Mendota, CA 93640
(559) 355-6779
(559) 382-5115
shaehatanaka@gmail.com
delta.sand.gravel@outlook.com
COMPLAINANT

FOR INFORMATION

Joseph Wiedman
LAW OFFICES OF JOSEPH F. WEIDMAN
115 Broad Street, Suite 157
Cloverdale, CA 94525
joe@jfwiedman.com

COURTESY COPIES

Matthew Baker, Commissioner
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Leah Goldberg, Administrative Law Judge
Leah.Goldberg@cpuc.ca.gov