

Decision No. 73354**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ASSOCIATED THEATRES, INC.,  
a California corporation,

Complainant,

vs.

Case No. 8589

SOUTHERN PACIFIC RAILWAY COMPANY,  
Defendant.

ORDER AMENDING DECISION NO. 72783  
AND DENYING REHEARING

Southern Pacific Company has filed petition for rehearing of Decision No. 72783, and alleges in part that the decision renders the crossings unsafe and fails to strike a correct balance between the interests of the theater and the safety of motorists, pedestrians, and railroad employees, who may be in the crossing area.

After full consideration of the record we are of the opinion that the order requiring applicant to eliminate any unnecessary use of the bright headlights or Mars lights on its locomotives while engaged in operations within 1,000 feet of the screen of the Spartan Auto Movie at San Jose goes beyond that which is necessary to reasonably and adequately protect complainant from interference of the bright lights with the projection of a motion picture upon its screen.

The operation of the locomotives with bright lights directed away from the screen will in no way interfere with the picture. Furthermore, the record shows that the dimmed headlight,

when used from a distance of 400 feet or less, does not unreasonably disrupt complainant's projection. Since the intensity of the dimmed headlight is about half of the intensity of the bright headlight, the bright headlight directed on the theatre screen from a distance of 700 feet or more should be no more disruptive or inconvenient than the beam of the dim headlight directed on the screen from a distance of 400 feet or less. To the extent that the order in Decision No. 72783 requires defendant to eliminate the use of the bright lights beyond that which is necessary to reasonably and adequately protect the interests of complainant it should be amended.

Based upon the above discussion, we make the following additional findings:

1. Complainant's screen is approximately 700 feet distant from East Alma Avenue and approximately 800 feet distant from Keyes Street.

2. Public safety requires the operation of a headlight of the intensity of the dimmed headlight while defendant is engaged in yard operations at night between East Alma Avenue and Keyes Street in San Jose.

3. The beam of the bright headlights and the beam of the Mars lights on defendant's locomotives when directed away from complainant's theatre screen are not unreasonably disruptive of the projection of a motion picture upon such screen.

4. The beam of the dimmed headlights on defendant's locomotives, when used from a distance of 400 feet or less, is not unreasonably disruptive of the projection of a motion picture upon such screen.

5. The beam of the bright headlights and of the Mars lights on defendant's locomotives when directed towards complainant's

theatre screen from a distance of 700 feet or more will be no more disruptive to the projection of a motion picture upon said screen than the beam of dimmed headlights directed towards the screen from a distance less than 400 feet.

We conclude that defendant's petition for rehearing should be denied and that paragraph 1 of the order in Decision No. 72783 should be amended as provided in the ensuing order.

O R D E R

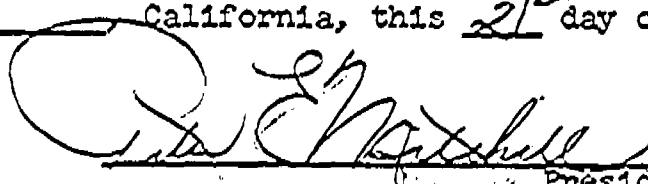
IT IS ORDERED that Decision No. 72783 is amended by substituting the following for paragraph 1 of the order therein:

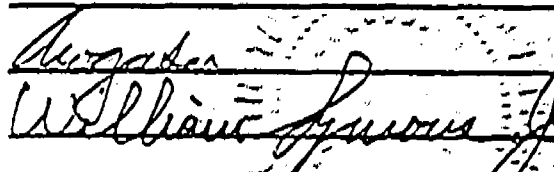
1. Defendant, Southern Pacific Company, shall eliminate any unnecessary use of bright headlights or Mars lights directed towards the screen of the Spartan Auto Movie while engaged in operations between East Alma Avenue and Keyes Street in San Jose.

IT IS FURTHER ORDERED that the petition for rehearing of Decision No. 72783, as amended, filed by defendant Southern Pacific Company, is denied.

The Secretary shall cause a copy of this order to be served upon the parties, and the effective date of this order and of Decision No. 72783 shall be ten days after the completion of such service.

Dated at San Francisco California, this 21<sup>st</sup> day of NOVEMBER, 1967.

  
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 President

  
 \_\_\_\_\_  
 Commissioners

Commissioner Fred P. Morrissey  
present but not voting.

Commissioner William M. Bennett, being  
-3- necessarily absent, did not participate  
in the disposition of this proceeding.