

# Sigbjornson, LLLP

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April 19, 2010

**Regarding: Exception/variance to waive the requirement to install sidewalks on both Edwards and Elk Vale Roads at this point in time**

To the Mayor and City Council via Public Works Committee,

We respectfully request that we not be required to install sidewalks on the Edwards St. and Elk Vale Road perimeters at this time while constructing the planned Dakota Steakhouse. There are several discussion points, listed below, leading to this request. Before listing our reasons for exception/variance request, we would like to state that we are not opposed to the development of pedestrian ways in Rapid City. We feel that this is just not the time for us to be required to install the sidewalks. Common sense and pragmatic thinking are called for when considering our request.

Rationale points for our request (photos of the area are attached – with notations):

- **Elk Vale Road is a state highway with very heavy truck traffic** being diverted (from Rapid City) to Highways 79 and 16 south. The **I-90/Elk Vale Rd. area is an exciting “work in progress”** and that is why we were involved in establishing the Comfort Suites Hotel and why we are developing the Dakota Steakhouse project. However, **there is no over all plan in place to insure pedestrian, or bicycle, traffic and safety**, a plan that could be developed by Rapid City with the SD Department of Transportation.
- To construct a sidewalk at this time that essentially, “leads to nowhere” would incur additional expenses for us at this time, **expenses that we feel should be deferred until a coordinated pedestrian/bicyclist pathway and safety plan is developed by the City and DOT.**
- (Refer to Photos 1 & 2) The ground where the sidewalk would be constructed along Edwards Street is not flat. There would **need to be fill and grading done** that would be an expense we do not wish to incur at this time. This is also true, but to a lesser extent along Elk Vale Road.
- (Refer to Photos 3 & 4) It is our understanding that we would have to build our **sidewalk on the west side of the DOT bridge approach rails system**, which seems to make sense until, referring to photos 5 & 6 with their notations, realize that the **sidewalk would end at the bridge spanning the railway. To access the bridge shoulder area, a pedestrian would have to crawl over the bridge approach rail system.** (Refer to Photo 5). This brings to mind “a sidewalk to nowhere” phrase.
- Photo 6 shows that, **should an individual choose to climb over the DOT railing** to cross the bridge, they will have to continue walking in the DOT shoulder area all the way to Elgin Street since **there is NO sidewalk available ON or north of the bridge over the railway.** To state the obvious, this is definitely a safety issue.
- Photo 7 shows that, **in the case of walking north on Elk Vale, a pedestrian would also have to proceed on DOT shoulder areas along the highway.**
- Referring to the e-mail messages immediately following this letter, Todd Seaman from the DOT states that DOT has a) no plans to add a sidewalk to the bridge, b) a stand alone pedestrian/bike structure over the RR maybe a better option considering both sidewalk location and cost and c) The SDDOT is open to working with City Staff to determine the best route for pedestrian facilities on Elk Vale Road.

**We request that any required sidewalk construction on our part be deferred until a coordinated plan between the City and SDDOT is in place for pedestrian and bicycle traffic and safety for this area.**

Respectfully,



Peg Seljeskog, Vice-president

## RE: Sidewalks at Dakota Steakhouse

From: **Todd.Seaman@state.sd.us**

You may not know this sender. Mark as safe | Mark as junk

Sent: Mon 4/19/10 10:40 AM

To: Marcia.Elkins@rcgov.org

Doug.Kinniburgh@rcgov.org; Bob.Dominicak@rcgov.org; Vicki.Fisher@rcgov.org; Karley.Halsted@rcgov.org;

Cc: fthursto@rushmore.com; pegskog@msn.com; Gary.Engel@state.sd.us; Daniel.Staton@state.sd.us;  
Tom.Horan@state.sd.us

Marcia,

Currently the Department of Transportation does not have plans to add sidewalk to the railroad structure on Elk Vale Road. The existing structure has a 10' shoulder that can be used for bike and pedestrian traffic. Of course having pedestrians adjacent to the travel way has its shortcomings.

Typically the best time to determine the most appropriate route for a sidewalk is during development of the adjacent property. At this particular site a stand alone pedestrian/bike structure over the RR maybe a better option considering both sidewalk location and cost.

The SDDOT is open to working with City Staff to determine the best route for pedestrian facilities on Elk Vale Road.

Todd Seaman  
SDDOT Rapid City  
605.394.1620

-----Original Message-----

**From:** Elkins Marcia [mailto:Marcia.Elkins@rcgov.org]

**Sent:** Wednesday, April 14, 2010 11:49 AM

**To:** Seaman, Todd (DOT)

**Cc:** Kinniburgh Doug; Dominicak Bob; Fisher Vicki; Halsted Karley; Fred Thurston; pegskog@msn.com

**Subject:** Sidewalks at Dakota Steakhouse

Todd –

We just met with the architect and owner for the new Dakota Steakhouse proposed for construction on Elk Vale Road north of the railroad regarding the installation of sidewalks. (Doug sat in on the discussion at the Planning Commission last week.) They have applied for an exception/variance to waive the requirement to install sidewalks on both Eglin and Elk Vale Road. The Public Works Committee will be discussing the request on April 27.

Staff has recommended that sidewalks be installed in accordance with the discussion at the Planning Commission meeting. One of the issues raised by the owner is when will SDDOT be installing pedestrian facilities across the structure that crosses the railroad bridge. I indicated that was not in the five year plan (TIP) and that I would contact you regarding any plans for accommodating bike and pedestrian traffic on that bridge.

I have copied the owner and the architect on this message, so it would be helpful if you would respond to all. Thank you for your assistance. m



**View from entrance to restaurant & hotel property –  
looking east on Edwards to Elk Vale .**

**Notice the drop into the right of way that will necessitate more extensive  
& more expensive prep work that will be needed for sidewalk placement.**

Photo 1



**View looking south on Elk Vale from Edwards .  
DOT Right of way between Elk Vale & restaurant property.**

**Photo 2**

DOT light pole



Sidewalk would be placed here on west side of bridge approach.

**View looking south on Elk Vale closer to bridge (over railroad) approach while standing just off DOT highway shoulder.**  
(DOT Right of way between Elk Vale & restaurant property.)

**Photo 3**



DOT  
bridge  
approach  
rails &  
supports.

Sidewalk  
would be  
placed  
here on  
west side  
of bridge  
approach.

**View continuing to look south on Elk Vale closer to bridge (over railroad) approach – while standing on DOT highway shoulder.**

**Personal note: A strong gust of wind from the west nearly blew me into the traffic lane when I was taking this photograph – and I was on the outer area of the shoulder.**

**Photo 4**



**BRIDGE**

**Sidewalk  
would end  
here on  
west side  
of bridge  
approach.**

**View continuing to look south on Elk Vale closer to bridge (over railroad) approach.**

**NOTE:**

**Sidewalk would be placed on west (right) side of bridge approach and end at the bridge – ON on the west side of the bridge approach. There is no pedestrian sidewalk for the bridge NOR access to the bridge from the proposed sidewalk. Therefore, the proposed required sidewalk would essentially be a “sidewalk to nowhere.”**



**DOT  
bridge  
approach  
rails &  
supports.**

**View continuing to look south on Elk Vale DOT bridge over railroad while standing on bridge shoulder.**

**NOTE:**

**There is no pedestrian sidewalk for the bridge NOR access to the bridge from the proposed sidewalk. Should someone walk on the proposed sidewalk, jump over the bridge approach railing and walk over the bridge on the shoulder, there is still more bridge approach railing on the south side of the bridge and no sidewalk until you get to Elgin.**





**View looking towards north to Elk Vale DOT bridge over I-90 while standing at corner of Edwards & Elk Vale Rd.**

**NOTE:**

**There is no pedestrian sidewalk for this bridge either. There are 10 foot shoulders but this is a 4-6 lane highway with high volume traffic, including truck traffic routed south to Hwys 79 & 16.**

**Photo 7**