

PRESS RELEASE

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Smart Motorways: Widow Claire Mercer Instructs Lawyers To Bring High Court Legal Challenge After Husband Killed On M1

Irwin Mitchell Calls For Full And Urgent Review Of Motorway Lane Policy As It Prepares Case For Judicial Review

Wife Warns Motorists That Travelling On Smart Motorways Like Playing ‘Russian Roulette’

The grieving widow of a driver killed on a ‘smart motorway’ has instructed specialist lawyers at Irwin Mitchell to begin work on a High Court legal challenge calling for them to be scrapped.

Jason Mercer was one of two men killed when they were knocked down by a HGV near junction 34 of the M1 at Meadowhall in South Yorkshire. Moments earlier Jason, of Rotherham, and 22-year-old Alexandru Murgreanu, from Mansfield, had been involved in a minor collision.

The stretch of road is classed as an ‘all lanes running’ (ALR) motorway, meaning there is no hard shoulder in operation. Jason, 44, and the other man had pulled over as far as they could to exchange details.

However, after they left their vehicles a lorry collided with the pair. They were pronounced dead at the scene.

Their deaths mean that five people have died on that route in the past year.

Jason’s wife Claire, has now instructed Irwin Mitchell to investigate bringing a legal case against Highways England calling for the use of smart motorways – including all lanes

running (ALR) routes where what would traditionally have been the hard shoulder is used – to be halted.

Her legal team is preparing detailed evidence and aim to officially commence the legal process in the coming weeks.

Helen Smith, a specialist public law and human rights solicitor at Irwin Mitchell, said: “Claire has suffered a truly unspeakable loss in recent months and is understandably determined to gain answers regarding how Jason’s death could have happened.

“The safety of smart motorways which operate without a hard shoulder has been called into question on a number of occasions in recent years and the number of fatalities on such routes both locally and nationwide is a major cause for concern.

“In fact the Transport Select Committee has previously published a report warning that the government should not go ahead with ‘all lane running’ motorways because they posed a dangerous risk to drivers and emergency services.

“Through our initial investigations and the increasing amount of families which have been torn apart because of fatalities on smart motorways, it is clear that a full and urgent review of their use needs to be completed.

“We are determined to do everything we can to support Claire and other families who have been affected by the use of smart motorways. We hope that people are able to back her campaign as she looks to take this legal action forward.”

A 16 mile stretch of the M1 between junction 32 – the M18 - and junction 35a, near Meadowhall, is classed as all lanes running smart motorway.

The hard shoulder has been replaced with emergency refuges which are said to be based around a mile apart, though in some areas it is thought that the availability of emergency refuges is far less than this.

Overhead signs indicate the speed limit and whether a lane is closed. Claire said the lane in which Jason and Alexandru were killed was not closed until six minutes after the collision on 7 June last year.

Claire, 43, from Broom, Rotherham, said: “I fell to the floor when I was told that Jason had died and don’t know if I will ever be able to come to terms with his death. He was a truly wonderful man and our entire family is still trying to comprehend how this happened.

“Because this section of motorway is ALR there was no hard shoulder and they were not to know the nearest emergency refuge area was out of sight, a mile away.

“Anyone can be involved in a collision or anyone can break down. Sometimes these are just unavoidable. Each time you travel on an ALR it’s like playing Russian roulette with your life. You could be the best driver in the world but if you break down you’re just a sitting duck.

“The technology provided in this stretch of motorway and indeed in over 80 per cent of all ‘smart motorways’ is not capable of detecting when only a few cars stop in live lanes, so the lane wasn’t closed until six minutes after Jason and Alexandru had been knocked down.

“That Jason is among a number of people to have died shows that more needs to be done. I hope people help me save lives by helping to fund my legal challenge.”

Claire has launched a crowdfunding appeal as part of her campaign and is hoping to raise £20,000 to support the legal challenge.

Dr Alan Billings, South Yorkshire police and crime commissioner has also raised concerns about smart motorways. Claire’s MP, Sarah Champion will once again raise the issue in Parliament on Wednesday.

Claire added: “Smart motorways and ALRs in particular are clearly very dangerous and something needs to be done.

“Jason was an amazing, multi-faceted man who stood out in a crowd. He believed in equality and he fought to defend his and other rights. He loved all types of music from classical to heavy metal.

“He worked hard, drank knowledge in like a sponge and defined his worth by his ability to look after me and others. My family, his sister’s family and I have lost an absolute diamond, in the cruellest manner.

“The only thing that helps us while we try to come to terms with this loss, is trying to stop the same happening to others.

“I cannot thank enough those who have supported the campaign. It has made a real difference and increased our belief that the use of smart motorways should be stopped.”

For more information visit <https://www.crowdjustice.com/case/smart-motorway-jr/>

To find out more about our experience in supporting families affected by road accidents visit our serious injury page or to speak to an expert visit our contact us page or call 0370 1500 100.

Background

England's motorway network has 13 sections of all lane running motorways which don't have a hard shoulder. These include parts of the M1, M3, M5, M6 and M25.

Last year a total of nine people died on the smart motorway network, including five fatalities in 10 months on the M1 near Sheffield.

Outside the M25, staff who manage the motorway network have no system of automatic alert if a lone vehicle has stopped in a live lane. Instead they rely on Midas (motorway incident detection and automatic signalling), which monitors traffic flow and picks up on



slow-moving traffic that could suggest a stationary vehicle, as well as 999 calls and calls from the public, The Sunday Times reported.

An average of 26 drivers break down a day on smart motorways, according to government figures.

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Notes to Editors

For further information, pictures and interview requests please contact the Irwin Mitchell press office on 0114 274 4666.

About Irwin Mitchell

Irwin Mitchell provides legal and financial services to businesses and individuals operating from 15 locations across the UK.

The firm is ranked as a market-leading legal services firm in the independent Legal 500 and Chambers UK guides to UK law with over 250 lawyers personally recommended.

Irwin Mitchell Scotland LLP is a separate Scottish legal practice regulated by the Law Society of Scotland and has an office in Glasgow.

For more information visit www.irwinmitchell.com