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Former traffic officer calls for Highways England to be prosecuted after court hears smart motorways may have led to deaths

A retired police officer has written to Essex Police urging them to prosecute Highways England over two deaths

By Steve Bird

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Premium



Police are being urged to prosecute Highways England for corporate manslaughter after a judge said two smart motorway deaths could have been prevented if there had been a hard shoulder.

Sevim Üstün, 49, and Ayse Üstün, 68, were killed when a lorry hit the car they had been in after it broke down and became stranded on the M25 in Essex. Murat Üstün, was driving his Audi 3 with his mother, grandmother and sister in the car, when a puncture caused him to pull over in a live lane because he could not reach an emergency refuge area.

Overhead gantry signs run by Highways England did not close the lane or warn of a broken-down vehicle.

A court heard that Krzysztof Zarebski, 35, had a “momentary lapse in concentration” before his lorry hit the Audi then the safety barrier behind which the family had been sheltering.

The two women were killed and Mr Üstün’s 10-year-old sister suffered life-changing injuries. Mr Üstün survived.

Sentencing the Polish lorry driver to just four months, suspended for a year, for causing death by careless driving, Judge Gratwicke said: “I accept that if there had been a hard shoulder or a refuge into which Mr Üstün could have steered, that collision would not have occurred.

“However it is not for this court to make any judgments or observations on the wisdom of smart motorways or the strength of safety barriers.” Now Mike Rawson, a retired Metropolitan Police traffic officer who served in the force for 35 years, has written to Ben-Julian Harrington, the chief constable of Essex Police, urging him to prosecute Highways England over its “callous disregard” for human life.

The Audi A3 suffered a puncture but the driver could not reach an emergency refuge area | CREDIT: Highways Agency

In his letter seen by the Sunday Telegraph, Mr Rawson asked: “Would you consider, given the absence of an emergency hard shoulder being the primary cause of this tragic accident, recommending the Crown Prosecution Service consider prosecuting Highways England for corporate manslaughter?”

He added: “One person has died on a smart motorway every six weeks during the last five years, and it is time to end the policy and return emergency hard shoulders to ensure as safe an environment as is possible for those lawfully using motorways.

“This will only be achieved following successful prosecutions of Highways England.”

A spokeswoman for Essex Police said: “We have received a letter and will review the contents and get back to the author.”

Chelmsford Crown Court heard last month how Zarebski, from Coventry, had just four seconds to react after seeing the car which had its hazard lights illuminated while tucked into the inside lane near Waltham Abbey.

After the crash, Zarebski, who lost his driving job, was heard to say: “It’s my fault, but no hard shoulder.”

Benjamin Waidhofer, representing Zarebski, underlined the controversy surrounding smart motorways and argued that there could have been just one second for him to avoid the impact.

He said: “If there had been proper provision for refuge areas, the accident wouldn’t have happened.” He also said the overhead gantry sign directed motorists to the A1 rather than warned of a broken down vehicle

Mr Üstün's younger sister suffered damage to her spleen, as well as breaks to her shoulder and right scapula in the crash in 2018. Now aged 12, it has emerged her left hip had stopped growing, leaving her hips uneven.

She was immobile for six weeks due to the surgery needed for her pelvic and hip fracture. She has required physiotherapy, speech therapy and leg therapy.

Mr Rawson, from Cheshunt in Hertfordshire and who attended the court hearing, said: “Highways England has shown a callous disregard for the safety of people using these smart motorways.

“They have placed too much reliance on technology because they have assumed technology will provide safety on its own. It doesn’t.”

Highways England was unavailable for comment.

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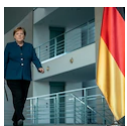


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