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Sunday, 10 May 2020

Dear Mr Pipe,

My name is Claire Mercer and I represent smartmotorwayskill.co.uk. The campaign came about because my husband Jason Mercer was killed on a section of the M1 designated a smart motorway. When I resurfaced after the initial shock I was amazed to find out about these motorways, I had never heard of them, let alone the complexity of the rules for driving on them. Further research uncovered there had been at least five deaths in less than two years on just the section of road my husband was killed on.

Through my campaign I am in touch with Mike Rawson who has been in contact with you about the devastating deaths of the Turkish family on March 19th 2018. He has raised with you the Judge's remarks relating to his statement, "I accept that if there had been a hard shoulder or a refuge into which Mr Ustun could have steered, that collision would have not have occurred". I am aware that the Judge added "However it is not for this court to make any judgements or observations on the wisdom of smart motorways or the strength of safety barriers", I can only ask well whose judgement is it under? Because various offices do not feel it fits their remit, does that mean the problem is just left? to keep on killing and maiming?

The family followed the "advice" given by Highways England to leave the vehicle and regroup behind the safety barrier all to no avail, this barrier gave them no protection and a family were devastated and left caring for a child with lifechanging injuries.

I also note that the coroner who reviewed the case said that the family have not sought a resumption of the inquests, have the family even been told their rights? Particularly as there may be possible language problems. I am in contact with the Romanian relatives of the victim who was also killed in the accident with my husband and their experience of the police procedures was entirely different to mine possibly due to the language barriers.

I see you refer to the 18 point plan conjured up by Highways England, however I have no faith in this whitewash and note that during lockdown the new smart motorways have surged ahead and huge contracts awarded, despite the concerns about them.

I can only endorse Mike Rawson's call for a prosecution of Highways England is the only way our concerns can be addressed, guidance from the CPS on a corporate manslaughter describes this offence as "a gross breach of the relevant duty of care" I can not think of a better summary of "smart motorways" we need Essex Police to be where the buck stops, be the ones to decide that the 'someone that needs to do something' is them, so there are no more lives are wasted, no more traumatised lorry drivers, traffic officers and ambulance workers.

Regards
Claire Mercer

On behalf of Smart Motorways Kill
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