

[Coronavirus](#) [News](#) [Politics](#) [Sport](#) [Business](#) [Money](#) [Opinion](#) [Tech](#) [Life](#) [Style](#)[See all News](#)

Smart motorway widow insists Highways England is responsible for his death

Claire Mercer's husband, Jason, died when a lorry ploughed into his stationary vehicle on the M1 near Sheffield last year

By Steve Bird

19 October 2020 • 8:00pm



The widow of a man killed on a smart motorway has insisted Highways England is responsible for her husband's death after a judge said he would be alive today if there had been a hard shoulder.

Claire Mercer's husband Jason, 44, and Alexandru Murgeanu, 22, died when a lorry [ploughed into their stationary vehicles on the M1 near Sheffield](#) on June 7 last year. The men had stopped on the inside lane to exchange details after a "minor shunt".

The lorry driver [Prezemyslaw Zbigniew Szuba](#), 40, was jailed for 10 months for causing the mens' deaths after driving at 56mph without due care and attention.

Sheffield Crown Court heard he had up to five seconds to spot the stationary vehicles and take evasive action, but failed to do so. The two men died one mile from an emergency refuge area on a stretch of motorway where the hard shoulder had been turned into a live lane.

Claire Mercer's husband died when a lorry ploughed into his stationary vehicle on the M1 near Sheffield on June 7 last year. She has launched a campaign, Smart Motorways Kill, with a 'judicial review and a complaint for corporate manslaughter in progress'

| CREDIT: Lorne Campbell/Guzelian/Lorne Campbell/Guzelian

The men were the [third and fourth people to die on the stretch of smart motorway in 10 months](#).

The majority of the hearing at Sheffield Crown Court focused on the "inadequacies" of smart motorways as Judge Jeremy Richardson QC, described hard shoulders as similar to lifeboats on ships: no one wants to use them but it is "reassuring" they are there.

The court heard the two cars were stationary for five minutes and 51 seconds before the impact. But, Highways England staff failed to spot the vehicles on CCTV to close the lane. A total of 147 other vehicles either stopped or swerved to avoid the men.

Sentencing Szuba, the Record of Sheffield said Szubu was the “primary cause” of the deaths as he was “not paying attention at all”.

He added: “The reason they stopped on the carriageway was because there was nowhere else to go for another mile.

“The hard shoulder used to be the norm on all British motorways. It served an extremely useful purpose and provided reassurance to all drivers on a fast moving highway.

What to do if you break down on a smart motorway

By Kieron Kavanagh, chief executive of Kavanagh Rescue

I have spent over 35 years building the largest independent rescue and recovery patrol force in the south-east. There are a number of measures you can take to protect yourself if you break down on a smart motorway:

Try to stop in the Emergency Refuge Area (ERA), where you will find the small control centre phone box. If you are in the ERA, make sure you switch your hazard lights on and exit the car from the passenger side.

Next, step over the safety barrier to access the control centre phone box. At this point – although it may be tempting to be in your car in the warmth – it is unwise to re-enter, especially at night. On a smart motorway, a stationary car is vulnerable. The sensible thing to do is layer up and wait behind the safety barrier.

Do not leave the ERA until you have contacted the control centre. Help will arrive and lane closure signs be laid out. These are critical to give a driver space to gather sufficient speed to re-enter the carriageway. Without them, it can be dangerous to merge into fast-moving traffic. A majority of accidents are caused by other vehicles, something that is only

Show more

“All drivers hoped they never needed to use it, but it was there in case of emergency to allow a vehicle to pull to the side to deal with the problems and seek help.

“I have not idea what research was undertaken when the decision was made to remove the hard shoulder on certain smart motorways, but I cannot help but think that placing refuges at intervals of nearly three miles or one and a half miles is less than ideal or substitute for a full hard shoulder.”

Although the judge said it was “unwise but understandable” that Mr Murgeanu and Mr Mercer had stopped to exchange insurance details, he said: “I cannot ignore the fact this incident would not have occurred had there been a hard shoulder.”

Earlier, Mrs Mercer, 44, had tearfully shaken the hand of a visibly distraught Szuba and claimed the real fault for the deaths was with Highways England bosses who removed hard shoulders without having adequate technology to spot stationary vehicles.

After he was jailed, she said: “We don’t believe the correct person is taking responsibility for this massive detrimental effect on our and so many other people’s lives.

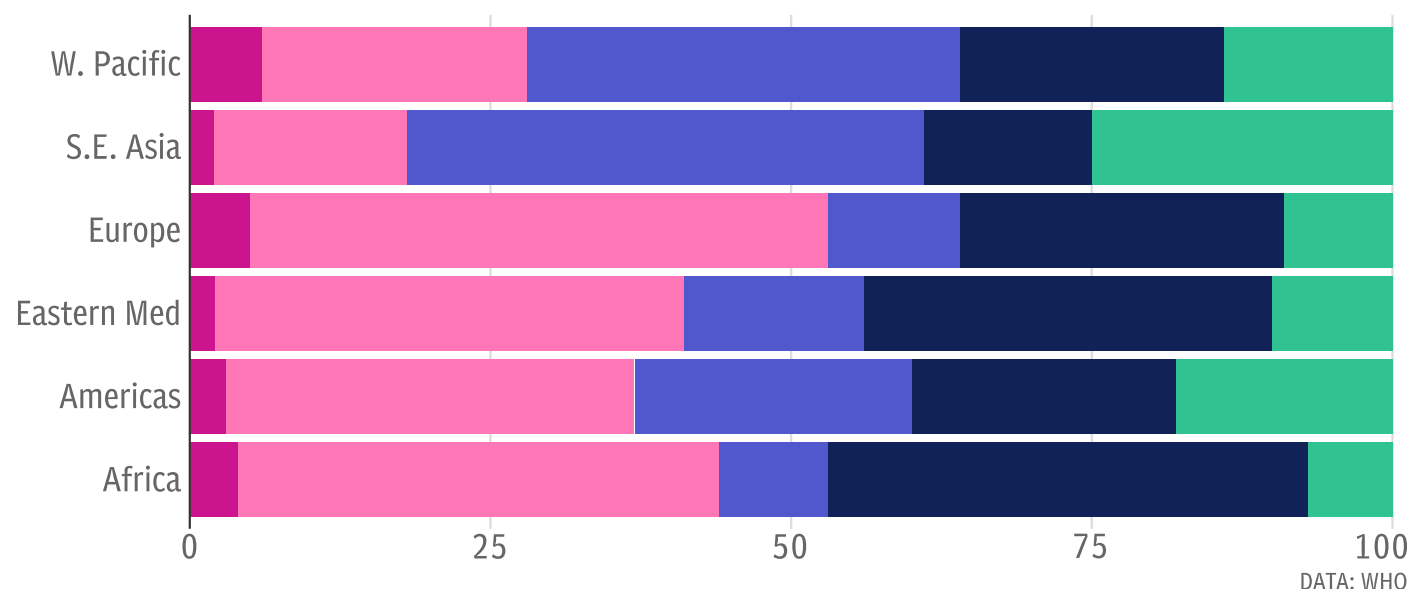
“The events of June 7 2019 would not have taken place if there had been a hard shoulder and Highways England was run with the correct priorities in mind, instead of concentrating on who wins the next big contract.

Referring to Grant Shapps, the Transport Secretary, ‘stocktake’ into the safety of ‘[smart motorways](#)’, she added: “An agenda genuinely concerned with avoiding future deaths is not served by a pretend review and 18 compromises that wouldn’t have saved any of the 40-plus people killed by smart motorways or jailing the wrong person.”

The victims of road traffic deaths vary hugely by region

Distribution of deaths by road user type by WHO Region, 2016

◆ Cyclists ◆ Driver/passenger of cars ◆ Motobikes ◆ Pedestrians ◆ Others/unspecified



Since her husband's death Mrs Mercer launched a campaign called "Smart Motorways Kill" which has seen relatives of those killed launch a judicial review into their safety, as well as attempt to prosecute Highways England for corporate manslaughter.

She added: "Our campaign, Smart Motorways Kill, will not be compromised. We already have a judicial review and a complaint for corporate manslaughter is in progress as well as multiple other legal cases and we won't stop until smart motorways are banned."

Front Page Newsletter

Our essential summary of the most important news, analysis, opinion and lifestyle - a.m and p.m



Sign up

Related Topics

Self driving cars, Road safety, Road accident, Roads, Driverless cars



More stories



Coronavirus latest news: Oxford AstraZeneca vaccine doing 'everything we expected'



The triumph of China's Covid spin offers a terrifying glimpse of the West's future



UK cases reach record high with 26,688 new infections



Ghislaine Maxwell: Intimate details of personal life released in sworn testimony



Tier 3 lockdown rules: what are the new restrictions for 'very high' alert areas?



House price boom could be derailed by 'perfect storm' of collapsed sales