

Smart motorways: Widow seizes upon ruling in fight to rid Britain of road system

Her husband's death on a road with no hard shoulder has led to an all-consuming battle, writes Charlotte Wace

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Claire Mercer's husband, Jason, was killed by a lorry as he exchanged details with another driver in the inside lane following a minor collision

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Barely a moment had passed since the coroner's verdict when Claire Mercer charged over to a police officer at the inquest into her husband's death and began the next stage of her campaign for justice.

“As soon as the coroner left the room, I marched up to Mark Brady and said: ‘Right, are you going to investigate them for corporate manslaughter now?’” [Mrs Mercer](#), 44, said.

Her husband, Jason, died in a car crash while stopped on a smart motorway in June 2019. The inquest [found](#) that the careless driving of a lorry driver was the primary cause of his death but that it was “clear a lack of hard shoulder contributed to this tragedy”.

The coroner added that [smart motorways](#) “present an ongoing risk” of future fatalities. Mrs Mercer wants to avoid this happening by axing the initiative, and she wants to have Highways England prosecuted for its role in her husband’s death. Mr Mercer, 44, and Alexandru Murgeanu, 22, were struck by a lorry on the M1 near Sheffield in June 2019 as they exchanged details on the inside lane following a minor collision.

The incident took place on a [stretch](#) of smart motorway where the hard shoulder had been replaced with a live lane and there was no emergency refuge for a mile. At the hearing this week Mrs Mercer struggled to contain her emotions. “I managed to keep it together until the coroner said, ‘unlawful killing’,” she told *The Times*. “It was such a shock. It was such a physical reaction, like someone had punched me in the stomach.”

Monday’s inquest found that the careless driving of the lorry driver, Prezemyslaw Szuba, was the primary cause.

Mrs Mercer, who said last year that the “wrong person” was jailed when Szuba was sentenced to ten months in prison over the crash, said that the acknowledgement that there were other factors involved marked “a great outcome”.

The ruling followed months of campaigning that have seen Mrs Mercer become a figurehead of the opposition to smart motorways, but there is much more work ahead.

She has given up her job to focus on her battle against Highways England and her bid to see smart motorways banned completely. Staying up until 2am to deal with messages is a regular occurrence.

Mrs Mercer has made multiple reports to South Yorkshire police asking them to investigate Highways England for manslaughter. They have failed to do so and complaints over their handling of her case have been made to the Independent Office for Police Conduct, she said.

However, the coroner's words have armed her with new resolve. At the end of the inquest she approached Sergeant Mark Brady, who oversees major collision investigations for South Yorkshire police. In his evidence he voiced the opinion that Szuba "would have driven clean past" if there had been a hard shoulder.

"He was careful not to promise [to investigate Highways England] because it's not his decision, but he's my contact with the people whose decision it is," Mrs Mercer said.

She said that she would take legal action against the force if they continue to avoid investigating and she has already been discussing the matter with lawyers.

"If I don't hear anything within a week or so I will formally warn them that I'm starting legal action," she said. "It's just getting absolutely ridiculous now." Mrs Mercer also wants a judicial review of smart motorways.

Her husband's death was less than two years ago and the grieving process has continued alongside her campaign.

Music was a big part of their lives together and she cannot listen to the songs they used to enjoy. There are still moments when the realisation hits her that her husband, who "was every part of my every day", is gone.

“Concentrating on the campaign is a way of deflection — but it’s whatever gets you through,” she said. “It seems in some ways more difficult now than it did earlier on.”

Earlier in her campaign she had to contend with vile messages and trolling, including from fascists against whom Mr Mercer had given evidence at a trial before his death.

“They contacted me saying, ‘Good, glad he’s dead’,” she recalled. “In some ways it’s easier to dismiss those people as they are obviously damaged morons. But then you get the people saying, ‘Well, I’ve been an advanced driver for 45 years, I’ve done 100,000 miles a year, I wouldn’t have stopped’.”

She added: “We don’t get that now. We don’t get people contacting us saying ‘Yes, but’, because people have started to go, ‘Hold on, that can happen to me’.”

Mrs Mercer always “felt safe” in the car with her husband and said that it “was very important to him to be a good driver”.

She is contacted by multiple people each week voicing concerns about smart motorways through her website and social media channels.

Mrs Mercer herself acknowledged her ability to make an impact. “Unfortunately, I am very well placed to be the spokesperson for this,” she said. “Everyone just calls me ‘the widow’. I keep joking that I’m going to change my name to ‘the widow’. But that’s what grabs people. I have got a very close association with this. I know what I’m talking about.”

She remains in regular contact with other relatives of people who died on smart motorways who have similar concerns. They include Sally Jacobs, the widow of Derek, 83, who was killed three months before Mr Mercer.

It is thought that Mr Jacobs pulled over on the M1 in north Derbyshire because of a problem with his tyre, although his inquest has not yet taken place. Before he could get over the barrier to leave the road a car collided with his van and he was crushed. A coach then struck the car.

“He would be alive today if the hard shoulder was in place,” Mrs Jacobs said. “To say goodbye to your husband, ‘Cheerio love, see you later’, then never see him again — it’s terrible. It really is. For 66 years we were in love and every single day I think about him.”

She said that she was “prepared to do anything to get this stopped”, adding: “I’ll go anywhere, talk to anyone, to get this hard shoulder reinstated — I won’t rest until it is.”