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Highways England boss snubs smart motorway widow

Nick Harris cancels meeting with Claire Mercer, whose husband was killed in a live lane on the M1, after taking 'legal advice'

By Steve Bird

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A [smart motorways widow](#) who agreed to meet Highways England's boss to discuss road safety has said she is "appalled" that he cancelled at the eleventh hour after taking "legal advice".

Nick Harris, the newly appointed acting chief executive of the Government-owned transport company, wrote to Claire Mercer saying he wanted to meet "face to face" to convey his "sincere condolences" after her husband was killed on the M1 after being stranded in a live lane where the [hard shoulder had been scrapped](#).

Jason Mercer, 44, and Alexandru Murgeanu, died after they failed to reach an emergency refuge area before being hit by a lorry in 2019.

Mrs Mercer, 45, launched the [Smart Motorways Kill group](#) which is calling for the hard shoulder to be restored.

She said she is "deeply upset" Mr Harris invited her to the meeting and spent nearly a month agreeing who could attend before cancelling the night before.

"It is bizarre he approached me asking to meet," Mrs Mercer, from Rotherham, said. "My entire family had a Zoom meeting to discuss what we were going to say. We were actually a little bit nervous about it all."

On March 26, Mr Harris wrote to her saying he was "keen to meet those who have personal experiences" of accidents "so I can listen to their concerns".

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The letter adds: "I am speaking to a number of people... and would really like to meet you... face to face."

They agreed to meet at Mrs Mercer's lawyer's offices in Sheffield, with her lawyer there purely "in an advisory capacity", and with Sheena Hague, Highways England's director also present.

However, the day before the meeting he wrote saying despite "looking forward" to meeting Mrs Mercer "so that I can listen to your concerns", he could not attend if her lawyer was in the room.

Mrs Mercer assured him the lawyer would only be there in an "observational role", as she had explained 17 days earlier.

She added: "Then, at 9pm the night before he cancelled. We had agreed terms carefully, obviously because I'm pursuing them for corporate manslaughter and seeking a judicial review into smart motorways. He changed his mind despite knowing and agreeing about my lawyer's planned attendance."

Mr Harris wrote how he had taken legal advice and felt a lawyer at the meeting meant the it had changed "in nature".

Mr Harris told the Telegraph he was "sorry" to cancel so late on, adding: "I originally offered to meet to listen to Claire's concerns and to express, in person, my sincere condolences for the tragic loss of her husband, and that of Alexandru Murgeanu and I reiterate that now."

He added how the involvement of Mrs Mercer's lawyer and the author of an independent report into smart motorways changed the "nature" of the meeting, adding: "I must also listen to the advice I received from legal advisers."

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