

RESS RELEASE

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Smart Motorways: Campaigners Criticise Government For “Putting Thousands Of Lives At Risk” By Wanting Another Five Months To Respond To Final Call To Reinstate Hard Shoulders Or Face High Court Legal Action

- **Lawyers Representing Widow Claire Mercer Make Final Request For Government To Reinstate Hard Shoulders Immediately Amidst Significant Safety Concerns**
- **Move Comes After The Prime Minister Scrapped Controversial Roads**
- **Ministers Who Took More Than Eight Weeks To Reply Say They Want A Further Five Months To Provide A Response**
- **Legal Experts Call On Government To Set Out Its Position Or Face Potential High Court Judicial Review**

Claire Hits Out At “Stalling Tactics” Which Show A “Lack Of Common Decency”

Campaigners have criticised the government for taking more than eight weeks to acknowledge calls to reintroduce the hard shoulder on smart motorways – then wanting a further five months to respond.

Lawyers at Irwin Mitchell representing the loved ones of Jason Mercer, who was killed on a smart motorway near Sheffield, have written to the government and National Highways outlining, “compelling evidence regarding safety concerns”. Lawyers have called on ministers to introduce official policy which will see the immediate reinstatement of the hard shoulder on all lanes running (ALR) smart motorways or face a potential judicial review in the High Court.

Jason’s family want the controversial roads to be turned into controlled motorways – roads which have three or more lanes with variable speed limits but retain a traditional hard shoulder, unlike ALRs.

They’ve also asked for confirmation that there are no plans in place to convert any of section of motorway into an ALR.

However, despite the Prime Minister scrapping plans to convert more stretches of conventional motorways into the controversial roads, the government and National Highways took more than eight weeks to reply to the letter. They both said they expected to be able to provide a final response by the end of April 2024 – five months after their initial reply and approaching seven months after Irwin Mitchell wrote to them on 4 October 2023.

Claire has hit out at the “stalling tactics” accusing the government of showing a “lack of common decency” which is “putting thousands of lives at risk.”

Helen Smith, the specialist smart motorways lawyer at Irwin Mitchell representing Claire, said: “Too many lives are being turned upside down and families being torn apart because of collisions and deaths on smart motorways.

“Coroners, the Transport Select Committee, an independent road safety expert and even the Prime Minister have all also expressed real concerns about the safety of ALRs.

“Despite this, transport bosses and the government continue to drag their heels on taking decisive action to reinstate the hard shoulder and to prioritise the safety of road users. This is despite us providing them with compelling evidence regarding safety concerns.

“We believe that the continued avoidance of National Highways and the government to re-evaluate existing ALR smart motorways represents an unreasonable and negligent approach to the safety of road users.

“Therefore, Jason’s family believe that there ought to be a new policy decision for the immediate reinstatement of the hard shoulder on all ALRs, with the conversion of those schemes to controlled motorways. That position is supported by the safety data and would make good the government’s commitment to make smart motorways as safe as possible.”

Claire’s husband, Jason, 44, of Broom, Rotherham, and Alexandru Murgreanu, 22, of Mansfield, were killed in June, 2019, when they were knocked down by a lorry. Minutes before, Jason and Alexandru had been involved in a minor collision on a northbound stretch of the M1, classed as an ALR near Meadowhall in South Yorkshire. The pair had pulled over to the roadside as far as possible – and yet the lane was not closed to traffic until after the second, fatal collision.

At an inquest into the deaths of Jason and Alexandru, coroner David Urpeth said ALRs carried “an ongoing risk of future deaths.” Jason was found not to have been at fault and it was found that he was placed at risk of serious injury or death when he had to stop.

The coroner heard evidence from representatives from what was then Highways England, now National Highways and issued a prevention of future deaths report saying there was an “obvious and foreseeable risk posed by the absence of a hard shoulder on smart motorways.”



In 2021 an independent expert report commissioned by Irwin Mitchell into smart motorways found ALRs “had the lowest level of intrinsic safety” when compared to any other form of motorway. It also stated that the risk of being involved in a live lane breakdown on an ALR was 216 per cent higher than on a standard motorway, as there was no hard shoulder for drivers’ refuge in the event of a collision or breakdown.

A lack of previous public consultation around the introduction of the roads was identified in the 220 page report which took transport planning specialists at Royal HaskoningDHV more than a year to research.

Following this, in January 2022 the government said it would immediately cease building any more ALRs while a more thorough safety audit was carried out.

In April 2023 Prime Minister Rishi Sunak announced the cancellation of the building of new smart motorways, acknowledging concerns about safety and cost. Despite this, there has been no decision around the existing ALR schemes in operation and campaigners feel that this represents an irrational and negligent approach to the safety of road users on those schemes.

Following Jason’s death Claire, aged 44, alongside others set up the [Smart Motorways Kill](#) group which campaigns to scrap the roads.

Claire said: “As time passes the pain of losing Jason doesn’t ease but more information about the lack of safety on ALRs continues to come to light.

“For several years there’s been too many stories of how people have been killed or seriously injured on these roads and stories of families being torn apart.

“The Smart Motorways Kill group continues to receive tremendous support from the public in its never-ending efforts to make the Department for Transport and National Highways accept that ALR smart motorways are dangerous - something already accepted by the Prime Minister who has scrapped all future smart motorways.

“The fact that that’s been done due to safety concerns when the existing ones are the ones killing people and yet they can stay in use is absolutely unfathomable.

“The £900 billion saved by scrapping future ALR schemes more than pays for the restoration of hard shoulders to provide motorway users with the safest possible environment - putting people first.

“I believe that for many years, the government continued to remove hard shoulders from motorways while arrogantly ignoring the overwhelming public view that motorways without hard shoulders are dangerous and that the policy has resulted in many unnecessary deaths and serious injuries.

“It’s irrational for existing ALRs to be maintained in light of everything we know and against the comments of the Prime Minister almost a year ago that he would be scrapping the development of any new schemes so that people who use the roads can do so “with full confidence that the roads they drive on are safe”.

“That the government and National Highways not only failed to respond to the initial letter within an acceptable time, but then expect an additional five months on top by which to respond, is disgusting. I’m not going to stand for these stalling tactics which show a lack of common decency and continue to put thousands of lives at risk.

“We have spent the past 4 years providing evidence of how unsafe all lane running smart motorways are. They have been aware of the safety concerns throughout this time so their continued delays in taking action will result in more peoples' lives being put at risk.”

“I won’t rest until the hard shoulder has been returned. The government and National Highways need to pull their fingers out and treat this request with the seriousness it deserves. Otherwise, if it means legal action, then that’s something I’m prepared to do.”

ENDS

Notes to Editors

For further information, pictures and interview requests please contact the Irwin Mitchell press office on 0114 274 4666.

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