

Claire Mercer speaks on the campaign to abolish UK smart motorways—Part 1

Robert Stevens
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Claire Mercer is leading a fight to end the use of “smart motorways” in the UK. Claire’s husband, Jason, was tragically killed on a smart motorway on a section of the M1 near Sheffield, on June 7, 2019.

Claire, a buyer, lived with Jason, a contracts manager, in the South Yorkshire town of Rotherham.

Jason died along with Alexandru Murgeanu after they were involved in a minor collision. They stopped to exchange the legally required insurance details but had no access to a hard shoulder where they could do this safely. They were both hit by an oncoming lorry.

The government converted the hard shoulder into a live traffic lane along swathes of the motorway network as part of its smart motorways rollout.

Following the death of Jason and Alexandru, Claire and her family launched the Smart Motorways Kill campaign. She has begun legal action in pursuit of a judicial review of the decision to bring in smart motorways. The campaign has raised, through a crowdfunding appeal, over £9,000 of the £20,000 needed to take the case to court. Claire is also suing Highways England for corporate manslaughter with the aim of bringing criminal prosecutions against individuals.

World Socialist Web Site reporter Robert Stevens spoke to Claire about Jason’s death and her campaign.

Claire said of her life with Jason, “We were together for nearly three years before we got married, and we would have been married 10 years in October.”

Among the high points in Jason’s life was his role in the trial of 12 Pakistani men charged with violent disorder after defending themselves against far-right protesters. They were cleared in court. “He was really, really proud of being able to make a difference to the Rotherham 12 trial,” said Claire.

“He was on the counterprotest [against fascists protesting in Rotherham]. Me and my mum had got shut outside the protest, but he managed to stay inside it and he went on the march through town. There were a lot of kids at the front of the protest, and these fascists came running at them, throwing bottles, wheelie bins and things like that.

“I think because he had a red Mohican that, in the melee, the fascists assumed Jason was one of them and let him near them. So, he took photographs of them all! Eventually they realised and one of them threatened to stab him, so at that point he backed off. He came and found me, and we handed the information over to the police and it was used in the trial against the fascists, and they were all jailed.

“The judge asked Jason some questions like, ‘So Mr. Mercer, what do you think of this group,’ and he replied, ‘Well they’re all morons, aren’t they?’ The judge said, ‘Well don’t mix your words, Mr.

Mercer, will you!’

“It made a big difference. He was a pretty recognisable character anyway, but after that he never had to pay for a taxi again. People used to walk up to him in the street and shake his hand. He was just so surprised and proud of the difference that he made on his own.

“He loved his new job, and his company car. He’d got it only four days before and if it hadn’t arrived, he wouldn’t have been where he was when he died. He normally drove me to work each day. We used to meet up at dinner time. He’d drive me into work, and then he’d go and pick up the pool car and go off to whichever building site he needed to be at.”

Describing the events of June 7, 2019, Claire said, “He was with me at eight o’clock in town, we had breakfast, and at eight o’clock he left, kissed me goodbye and said he’d see me later. He said he had an easy day planned, he only had two sites to go to and it was a Friday. He was looking forward to the weekend. He drove past the window waving to me.

“I’d been planning to go to work but didn’t feel well. So, I got the bus so that he could get straight onto the motorway and walked home.

“I found out later that he was dead within 15 minutes, but I didn’t know for definite for nearly four hours. After a couple of hours, I’d had no messages or texts from Jason, which was unusual. I rang the police, and they said that they needed to check into it. I gave them the car registration, and they said they’d ring me back.

“I later found out that the police were already on their way to me and didn’t want to tell me over the phone. Within a couple of minutes, police were at the door. I phoned my brother Tony, who works at the Northern General Hospital in Sheffield. I told him Jason’s hurt, get to the A&E, I can see two police officers through the door. I opened the door, and I kept asking, ‘Is he alive?’ They just said, ‘Let’s go in.’ My brain had just shut down. I fell to the floor and I said into the phone to Tony, ‘Jason’s dead.’ I just remember Tony asking, ‘What?’

“I was wearing my nightdress, and I was crying and saying, ‘It’s not true, it’s not true.’ They didn’t tell me anything about what happened at all. I do remember them saying, as they were leading me out of the house to go to my Mum’s, ‘All this from a small bump.’ I didn’t know for several days that he wasn’t in the car. I didn’t know that there had been another incident first.

“I’ve pushed for an official answer as to why it took me so long to find out what happened, but the last time the answer that came back from my police liaison officer he used the word carnage and told me how far away from the car Jason’s body was thrown. I was thinking, that’s my husband that you’re telling me about.

“They were knocked down because there was no safe place, no

verge for them to stand where they stopped. There's a very short verge and then it drops down to what I think is Blackburn Road. There's a like a 15-foot drop, but I've never dared asked for clarification and will only know for certain at the inquest.

"It would appear they had just come off the viaduct and Jason and Alexandru had a minor bump. They'd only just passed the sign that says no hard shoulder for four miles. They might have had the collision before they'd got to that sign. There was no emergency refuge area [ERA] visible. It was over a mile away.

"I can only assume they didn't know what else to do. It's your legal obligation to swap details. Jason had been driving 27 years, and he didn't know to do any different. Alexandru had only been in the country a couple of years. So, they pulled over into what should have been the hard shoulder, but a barrier stopped them getting all the way out of the motorway. They were still half in a live lane. They swapped details and took photos when they stopped; we know that as I've accessed Jason's iCloud account.

"The lane Jason and Alexandru were in was not closed because the smart technology doesn't exist in that part of the road. The camera operators obviously never picked them up, so the lane wasn't closed, and a lorry driver hit them and killed them instantly.

"Even now, people that use that stretch regularly don't know that it's a smart motorway. People don't know what a smart motorway is! They've heard the term, but they think it's to do with the cameras and fines. They don't realise that the hard shoulder is missing, because it looks just the same.

"And there is a definite policy from Highways England of not running an awareness campaign. At first, I thought it was ineptitude, but it's a definite policy now. Someone suggested to me that it's because it makes them liable if they do, because it's the driver's responsibility to know how to use the road.

"They have fundamentally changed the road. The Highway Code hasn't been changed to reflect smart motorways. It's not even in the driving test yet, and smart motorways have been around for 11 years!"

The section of motorway where Jason and Alexandru were killed is an "All Lanes Running," which means it never has a hard shoulder as opposed to "dynamic" lane, where it can be turned on and off.

"At first people were saying to me, 'It's those smart motorways,' and I didn't know what they were for the first two weeks after the accident. But then I kept hearing it and I thought, what is a smart motorway? I looked and there were a couple of Facebook pages, but no websites, no campaigns, and I thought that I don't understand how something this dangerous was brought in and how there isn't already a massive backlash against it.

"The more you find out, the more you discover that people have been dying on these things for years and years. There's a group of us that talk all the time, and we know each other quite well. We have all lost someone on smart motorways.

"We discovered someone that lost their husband well before any of us, but it was never in the press. He was Jamil Ahmed. It was never published as a smart motorway death, just a death on the motorway.

"Apparently his widow complained and asked the coroner to ban smart motorways, but there were paperwork errors by the coroner, who said he was applying a Regulation 28 that would put pressures on Highways England. They would have to respond to direct questions raised by the coroner, but the coroner forgot to file the paperwork and it was never raised.

"I like to think it was a genuine error and he did rectify it, so there are now already about three or four Regulation 28s being applied to

Highways England for deaths."

A Regulation 28 Report is issued to an individual, organisations, local authorities or government departments and their agencies where the coroner believes that action should be taken to prevent further deaths.

"I didn't realise how much power a coroner had, but they are as powerful as a judge. I was told there might not need to be an inquest in Jason's case because there will be a trial. But I'm now being told there will be an inquest. The coroner for this area has said that he will definitely be doing one regardless. I think it must be because he wants to have his say on another death in his area on a smart motorway.

"From where Jason and Alexandru were killed it was just over a mile away to the next ERA. But the signage doesn't help. The sign near them said no hard shoulder for four miles. But it didn't say that there's an ERA a mile away.

"I don't understand how they expect ERAs to work. They had a minor collision, so they could've kept moving if they'd known about the ERA. But what if your engine stops or your tyre blows? It's not going to happen at an ERA, is it?"

Of the claim by Highways England that ERAs are 1.5 miles apart and can be reached on average every 75 seconds at 60 miles per hour, Claire replied, "You can pick and choose the statistics to suit your own agenda. I can throw a load of statistics that prove how dangerous smart motorways are. The major stat is that people are dying on them. If there had been a hard shoulder, Jason and Alexandru would still be here. Nargis Bashir would still be here, 83-year-old Derek Jacobs would still be here. It breaks my heart to think of an 83-year-old changing his own tyre at the side of a motorway anyway, but then he got hit by someone nearly the same age who had someone else the same age in the car and that person died as well."

Cost-cutting is a factor in why there are not more ERAs. Claire said, "It had been suggested there was a need for more ERAs right where Jason and Alexandru were killed, but because it was 1 percent extra cost, they said no. So, the option for extra safety was there, and they purposely turned it down.

"Jason was doing between 50 and 70 miles per hour when he had the minor collision. He'd got seconds to decide what to do on a road system that he didn't understand, with confusing signage and three lanes of traffic next to him. He stood no chance. When there was far less traffic, the hard shoulder was considered essential. Now there is far more traffic and you're more likely to have an accident, it's gone! There is no logic to it. How was this signed off on? How was this allowed? Even Mike Penning, the ex-transport minister, has said that he was sold a completely different product."

To be continued



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