

Claire Mercer speaks on the campaign to abolish UK smart motorways—Part 2

“The more you find out, the more you discover that people have been dying on these things for years and years.”

Our reporter
20 February 2020

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 from swathes of the motorway network as part of its smart motorways rollout.

Following the death s 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. This is the second and concluding part of the interview. Part one was published [here](#).

Claire criticised the AA and the RAC road associations, “because for the past 11 years, if they hated smart motorways as much as they say they do, then why didn’t they do what we are doing now? It’s taken one person to take this to court. They could have done that. I’ve been asking them on Twitter, ‘Why didn’t you do what I did within three months of my husband being killed and take this to the courts?’

“The AA’s advice to their employees is that they are not to stop in a live lane. But then you talk to the AA personnel and they explain that they drive out to see where an incident has taken place. Then they say, ‘You’ve got a choice—to carry on driving or drive past an SUV with a full family, including children in it, in danger. You’re told by your company to keep driving, and you’ve got to make the moral choice whether you actually stop and help them or whether you keep going.’

“A lot of lorry drivers are saying now that when they see that situation, they stop. They put themselves behind the stopped car to shield it with a much bigger vehicle. That’s them risking their jobs and their lives.”

On the introduction of smart motorways, Claire said, “The biggest part of the deception is that they were brought in on the quiet. For this area, the consultation was held in two weeks over Christmas, and a consultation has no legal bearing. You could have a million people turn up and object, but they can still say, well, we’re going to do it anyway. For this area the schedule they laid out wasn’t kept to anyway. The section of motorway

where Jason was killed shouldn’t even be operating yet.

“Whose approval do they have to get? The government’s! If you really push them, eventually they’ll admit that they’re doing it because they are using the hard shoulder for budgetary reasons. And then you find out that the number of Highways England executives on over £100,000 a year has gone up 10-fold in six years! So, we can’t afford safe roads, but we can afford 63 highly paid Highways England execs.”

Claire said that footage revealed by BBC’s *Panorama* programme of many near-misses “was stomach churning. I found that phone call horrible.”

This was a reference to a phone call made by a man, with his family in a car, who was stuck on a smart motorway pleading for help. The call ends with the sound of the car being crashed into.

“Apparently, the camera operators and the phone line operators have got PTSD because they are having to take these types of calls all day, every day. I’d be screaming and crying down the phone! Because 82 percent of smart motorways do not have the necessary technology to identify problems such as a breakdown. You’re relying on a human in a control room, who’s watching a lot of cameras.”

Claire explained how the Smart Motorways Kill campaign was set up.

“It was my sister Paula that set up the website and the Facebook page, literally overnight. We shared it around and published it as far and wide as we could, and it started to pick up traction. We were getting people saying things like, ‘I’ve hated these things for so long,’ or ‘I didn’t understand what the full impact of these things were.’

“Recently, we had to put out a leaflet ourselves explaining what the three different types of smart motorway are. We were waiting for this to go to court to get them legally scrapped, but in the meantime more people are dying. There was a crash on Wednesday, February 5, in virtually the same spot. I was at the bus station at Meadowhall, only to find the buses were stuck because of an almost identical crash as happened with Jason in virtually the same place. I burst into tears in the middle of the bus station.

“The campaign really picked up and we had a lot of interest locally at first, but then it spread further and further. We are getting a lot more traffic via the website. We get people telling us their own horror stories. We had one man tell us about how his wife was stuck with the kids in the car. She’s got to an ERA [Emergency Refuge Area], but the phone wasn’t working. The cameras hadn’t picked her up, so she phoned her husband on her mobile. They say phone Highways England, but nowhere do they tell you the number for Highways England! So, she phoned her husband. He had to come out and fit into the ERA as well, repair her tyre and then get them all out of there.

“It’s one thing paying to install the phones in the first place, but you’ve

got to have a programme of regular maintenance. Apparently, there is quite a lot of equipment in these ERAs. There are detectors that automatically signal when someone has pulled into them. That is why it costs 1 percent more to have an extra ERA and why they refused to install extra ones. They were told to put them in every 600 metres. And they are 1.5 miles apart. They were told time and again by parliament to increase the number of ERAs. Officially you'll get Highways England saying, 'Yes, we are going to do that. We just haven't got a start date for that project yet.'

"Transport Secretary Grant Shapps has announced all these changes he's going to make—extra signs, more orange paint and more SVDs [Stationary Vehicle Detection]. But he has given Highways England three years to do it. He phoned me the other week. I said, 'Three years? Everyone I know through this campaign has lost their loved ones in less than three years and you're giving them another three years? They've had 11!'

"He made this grand announcement that they were going to hold the rollout of smart motorways while this review takes place. Well, that affects one section of one motorway they were due to open soon. They rely on people misinterpreting what they're told. When they said that they weren't going to make any more dynamic smart motorways [where the hard shoulder can be used as a live lane, then changed back], everyone went, 'Yay! They've scrapped smart motorways.'

"No, they've said they are not going to make any more dynamic smart motorways. They haven't said what they are going to do about the existing ones. They are too dangerous to create any more but carry on using the existing ones in the meantime!

"Highways England makes out that the required technology is in all the motorways, but you find that the only technology in all of the smart motorways tells you when the whole motorway has stopped. The real technology is only in 18 percent of smart motorways."

The campaign requires a substantial amount of money for the legal action. "The first £25,000 is only the start, it's going to be £100,000, but they've said we won't raise that in one go. My legal team said it would take £20,000 to get it to a court date. And then having a case to defend is going to be another £50,000. And they've hired an expert witness, she's £12,000. So, it's a lot more than £20,000.

"We want to try and get Highways England into the courtroom. We're talking about making them regret it in as many ways as possible. I didn't want to claim money at first, I didn't want that to cloud things, but now I want to hit them in as many ways as possible.

"I brought the main judicial review first. That will bring Highways England to court and make them defend smart motorways in court. The main purpose is to get them scrapped. My solicitors are building a case against smart motorways.

"The second thing I have done, is that I have reported Highways England to the police, for criminal corporate manslaughter, and they are investigating. Hopefully that will bring criminal prosecutions against individuals."

Among those Claire wants to see prosecuted is the chief executive of Highways England, Jim O'Sullivan. She said, "Then we are just considering all sorts of civil actions, class actions, personal claims, civil corporate manslaughter. Anything civil has to wait until after the criminal case has been heard."

A vital issue the Smart Motorways Kill campaign raises is how the government and Highways England ignored constant warnings about the dangers involved. Claire added, "They had been warned by so many people. There are parliamentary transport reports going back years and years, saying do not do this!"

Claire saw similarities to the cost-cutting and profiteering that resulted in Grenfell Tower being turned into a death trap that led to 72 people dying in an inferno: "They did things they knew would be dangerous in

order to save money. That's when I thought I am going to report this to the police. I thought, well if that's criminal then I need to report it. And then I phoned the police."

Claire has set up a group, the Broken Hearts Club, where bereaved family members of smart motorways victims can meet up: "It's the way of us all talking together who have lost people. There's Meera, whose son Dev died; Sam, whose partner Steve died; Andreea, whose brother Alexandru was killed with Jason; Matt, whose dad was killed by the side of the road; and Saima, whose mum was killed.

"Sometimes we just chat. I've already met Meera. I am meeting Saima on Saturday. I am meeting the others, and we are talking about arranging a protest or a convoy and we'd all be on it. But Andreea just couldn't cope with it all. She's had to move back to Romania because she felt as though she was to blame, because she encouraged Alexandru to move here. They were sharing a house, and she just packed up and moved back now he's dead at 22 years old.

"The lorry drivers—it's always a lorry driver because they are so big and the stopping distances involved—didn't get up planning on killing someone that day, even if they were using their phones. One of the people in our group wanted to speak to the lorry driver involved in her case, but her solicitor said it would affect the compensation given to her children, so she didn't. But she said that he was broken. He sat sobbing in court.

"For Jason's case, the expert that they've hired for the judicial review gave a statistic in the meeting when we met that made me cry. She told me that they had four years of data, and before the junction was turned into a smart motorway, there wasn't a single lethal incident. In the 18 months it has been a smart motorway, there have been seven deaths. If there had been a hard shoulder, these people would still be here."

Claire said of Jason, "I still can't believe I am never going to see him again. It certainly doesn't feel like over seven months. I feel for my family. They haven't really had a chance to grieve. My mum was very close to Jason. We lived at the bottom of her road. He was always helping her and running her places, and they had a very good relationship. My sister Julie said that last week it's only just occurred to her that she's never going to see Jason again. How that can be real?"

"For me, the campaign is a distraction. It's something to focus on. I do worry that it's working too well. I don't think I should be this functional at seven months. I worry about when it's finished, when we win."

Concluded.

The Facebook page for the Smart Motorways Kill campaign is [here](#) and the Twitter page [here](#). Donations to support the judicial review can be made [here](#).



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