

Landmark victory for Smart Motorways Kill campaign as coroner rules Jason Mercer and Alexandru Murgeanu were unlawfully killed

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20 January 2021

On Monday, Sheffield coroner David Urpeth issued a groundbreaking inquest ruling in finding that two men, Jason Mercer and Alexandru Murgeanu, had been “unlawfully killed”.

Jason, aged 44, and Alexandru, 22, were tragically killed on a section of the M1 motorway near Sheffield on June 7, 2019, by a lorry driven by a man, Prezemyslaw Szuba. The main factor in the deaths was the absence of a hard shoulder—into which vehicles could safely pull over—due to that section being transformed into a “smart motorway”. The government has converted the hard shoulder into a live traffic lane along swathes of the motorway network as part of its smart motorways rollout.

Jason and Alexandru had been involved in a minor collision and left their vehicles to exchange details. Their vehicles stopped in what was lane one of the four-lane motorway. Within minutes they were hit by the lorry driven by Szuba.

At least 44 people have died on smart motorways over the last five years.

The ruling is a devastating blow against Highway England’s campaign to defend smart motorways. At the conclusion of the one-day inquest at Sheffield Town Hall, Urpeth said, “Having considered all of the evidence, I find on the balance of probability, that Mr Mercer and Mr Murgeanu were unlawfully killed... I find, as a finding of fact, it is clear a lack of hard shoulder contributed to this tragedy. I believe that smart motorways, as things currently stand, present an ongoing risk of future deaths.”

Highways England is the government company “charged with operating, maintaining and improving England’s motorways and major A roads”. At the inquest, its representative, Max Brown, continued to defend smart motorways.

The coroner said that he would be issuing a Prevention

of Future Deaths report to the Secretary of State for Transport and Highways England Grant Shapps, and Highways England, asking for a review into smart motorways.

Szuba was jailed last year for 10 months and spoke from prison to the inquest. He said, “If there had been a hard shoulder on this bit of motorway, the collision would have been avoidable. I would have driven past these two cars as it would be safer and they would have been able to come home safely and I would be able to come back home.”

The ruling is a major victory for the Smart Motorways Kill campaign set up after the deaths of Jason and Alexandru, by Claire Mercer, Jason’s widow. The campaign’s website and social media pages publish news and information exposing the danger of smart motorways. It has served to connect bereaved families together.

The campaign is seeking a judicial review that will ban smart motorways. It has reported Highways England to the police for Corporate Manslaughter. South Yorkshire Police have declined to investigate this complaint, so the campaign referred the case to the Independent Office for Police Conduct (IOPC). Yet Sergeant Mark Brady, who oversees major collision investigations for South Yorkshire Police, told the inquiry, “Had there been a hard shoulder, had Jason and Alexandru pulled on to the hard shoulder, my opinion is that Mr Szuba would have driven clean past them.”

After the verdict Claire, who attended the inquest with her family, told the media outside the Town Hall, “After more than a year and a half of campaigning I today feel that somebody has listened and finally taken steps to address the use of these death trap roads. Ever since Jason died, I have been determined to bring about change to ensure more families don’t go through the heartbreak of losing a loved one by the completely nonsensical removal

of hard shoulders on busy motorways, without adequate safeguards being in place.”

Claire told the World Socialist Web Site, “We weren’t expecting it. My family all just gasped when we heard the verdict and I just burst into tears. We thought we are not going to get anything out of this other than using the media attention to further the campaign and, lo and behold, we get this really good result that will help the campaign.

“The coroner was very insistent that the lorry driver who got jailed, Prezemyslaw Szuba, took part. He swore him in under oath and asked him a lot of questions. He asked if he had ever done any training on a smart motorway and he said no. He asked if it was part of the Highway Code and it’s not actually written into the Highway Code yet.

“The coroner said he was going to ask for a Section 28 death report, which was the best that we were expecting. [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.] Highways England only have to reply to it within 56 days. But he’s done a belt and braces report with lots of individual points and harsh criticism.

“I don’t think Highways England will get away with it. But I’ve got copies of previous inquests into smart motorway deaths and one of them says about another case ‘This is very similar death, see that one.’ They just don’t care. I’ve been arguing with a couple of coroners saying, ‘So they could literally write a Christmas cake recipe on there as long as they do it within 56 days?’ They’ve just been saying that is the limit of our powers.

“The coroner is going to write to Grant Shapps and has recorded unlawful killing. He doesn’t actually have to do that. What I’m learning is that it doesn’t really have to be that important in law, it’s the public perception of how important it is. Because the public think that this is very big thing. They will talk about it and then it will become a big thing.

“We got the ruling for unlawful death and its going to be really important for pushing the police. I have been pushing and pushing the police to investigate Highways England for Corporate Manslaughter and they won’t do it. I’ve gone through the IOPC and the Crime Commissioners Office. I’ve done everything I can. Now that a coroner has ruled for unlawful death, and that Highways England were complicit in that death, how can they not investigate?

“They’re saying that there are two parties involved in their deaths and they have jailed one of them. But they’re not even going to investigate the other one!

“The judicial review campaign is continuing. It was delayed by Covid and now that is coming back on track. That can get Smart Motorways banned by law in court. There would not be any opinion about it and the government saying, ‘We spent this much’. It would be banned by law.

“The other issue is Corporate Manslaughter. Now I have got this weapon because that is for a criminal prosecution. I am not suing. People keep quoting me saying I am ‘suing Highways England’. I’m not suing Highways England. I don’t want compensation. I want someone jailed.

“One of the Highways England representatives, Max Brown said that smart motorways has been policy since 2008. The coroner asked if anyone else would like to say something. I said I would like to and that, ‘This may be a high profile case and it may be a high profile campaign, and you’ve got to remember that they can list all the caveats and their excuses and contracts that they like, but this inquest is still about the deaths of two people and they need to remember that. And the fact that Mr Brown said that this has been policy since 2008 is frankly offensive. Just because it’s been policy for years doesn’t mean we carry on killing people.’ That ruffled Highways England and the QC for Highways England apologised.

“I did not want the lorry driver jailed and I made a lot of noise about that, but they ignored me and jailed him anyway. I got an email from the Home Office saying that because he is a foreign national who got a custodial sentence, he was automatically considered for deportation. They said it is looked at on a case-by-case basis, and on this occasion they have decided not to deport him.”

The Smart Motorways Kill campaign is calling for donations for legal costs to fight the government in court. More than £20,000 is required to bring a court case and the campaign is just under £3,000 from meeting its target. Donations can be made on the campaign’s Facebook page here and on the main campaign page here .



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