

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

State of Missouri,

Plaintiffs,

v.

Case No.

United States Department of Commerce,
Howard W. Lutnick in his official
capacity as Secretary of Commerce,
United States Census Bureau, George
Cook in his official capacity as Acting
Director of the U.S. Census Bureau,

Defendants.

DECLARATION OF ED HASSINGER

I, Ed Hassinger, declare under penalty of perjury under 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge.

1. I am over eighteen years old and make this declaration based on my knowledge as the Director of the Missouri Department of Transportation (MoDOT).

2. I have worked at MoDOT for 42 years, and I have served as the Director of the department since November 13, 2024. I am familiar with the manner in which federal funding is awarded to MoDOT.

3. MoDOT receives funding from federal programs that rely on Census data—either in whole or in part—to apportion funding to MoDOT.

4. Specifically, the National Highway Traffic Safety Administration (NHTSA), relies on Census data to apportion federal funding for State highway safety programs which are required by 23 U.S.C. § 402.

5. Section 402(a)(1), 23 U.S.C., requires each State to “have in effect a highway safety program” that “is designed to reduce” traffic accidents and “deaths, injuries, and property damage resulting from those crashes.” Section 402(c) then establishes that federal funding “appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a).” 23 U.S.C. § 402(c)(1)(A). This includes “development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of crashes, and deaths and injuries resulting therefrom.” *Id.*

6. In 2025, MoDOT received \$8,078,625.44 in federal funding for Missouri’s Highway Safety Program which was allocated under the § 402(a) formula. MoDOT uses this funding for multiple purposes including but not limited to: public awareness campaigns on safety issues; traffic enforcement activities; driver’s education programs; educational programs; child safety seats; and emergency response equipment.

7. A portion of the funding that MoDOT receives for its Highway Safety Program depends on population data collected through the decennial Census. Section 402 states that NHTSA’s apportionment must be based on the Census’s tabulation of the total population of each State relative to the Census’s tabulation of the total population of all States. Specifically, § 402(c)(2)(B), 23 U.S.C., provides:

(i) In general.—Except for the amounts identified in section 403(f) and the amounts subject to subparagraph (C), of the funds made available under this section—

(I) **75 percent** shall be apportioned to each State based on the ratio that, **as determined by the most recent decennial census**—

(aa) **the population of the State**; bears to

(bb) **the total population of all States**; and

(II) 25 percent shall be apportioned to each State based on the ratio that, subject to clause (ii)—

(aa) the public road mileage in each State; bears to


(bb) the total public road mileage in all States.

(emphasis added).

8. NHTSA's September 29, 2025 memo detailed its announcement of the apportionment "Highway Safety Program funds" amongst the States for Fiscal Year 2026.¹ Based on the formula prescribed by 23 U.S.C. § 402, NHTSA concluded that Missouri is entitled to \$8,255,089.12 in Highway Safety Program funding for FY2026. *Id.*

9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct to the best of my knowledge.

Executed this January 16, 2026.

By:  _____

Ed Hassinger, Director

¹ *NHTSA Approves More Than \$800M for States to Make Roads Safer*, NHTSA (Sept. 29, 2025), at <https://www.nhtsa.gov/press-releases/nhtsa-approves-more-than-800M-for-states#:~:text=The%20National%20Highway%20Traffic%20Safety%20Administration%20has,traffic%20safety%20grants%20for%20Fiscal%20Year%202026>