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July 31, 2009

Peter Kiernan  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, New York 12224

**Re: Recommend Approval of S.1537/A.2209.**

Dear Mr. Kiernan:

**We write to urge that the Governor approve legislation to make public authorities – including the Metropolitan Transportation Authority – more accountable and transparent to the public.**

As you know, the legislation would create a new Authorities Budget Office directly responsible for monitoring and reporting on the State's "public benefit corporation." The ABO's director would be appointed by the governor and housed in the State Department of State.

In our view, the bill (Assembly 2209 and Senate 1537) will also serve to make public authorities more credible and efficient. This goal is shared by Jay Walder, who was recently nominated by you to serve as joint Chairman and CEO for the MTA. As Mr. Walder said at his first news conference, a top priority would be "to restore the public trust and confidence in the MTA ... Any long-term solution to funding requires us as the M.T.A. to show people we are using funding as efficiently and effectively as possible."

A similar agency in New York City (the Independent Budget Office) has helped hold City government accountable. In many cases, when it has agreed with the City, the agency has enhanced the City's credibility. The director of the State Authorities Budget Office would be appointed by the governor and serve for a fixed four-year term.

The legislation has been endorsed by The New York Times and Newsday as well as a growing number of other newspapers. On their editorial page, the Times wrote: "The bill would establish

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an independent authorities budget office with plenty of muscle to investigate, including subpoena power. And authority contracts for more than \$1 million would automatically go through the State Comptroller's office for review. Perhaps even more important, board members at these entities would have a new fiduciary duty to protect the authority's bottom line, just like board members in most private corporations. Governor Paterson supported these reforms as a legislator. He now should make them happen."

A. 2209/S. 1537 would also:

- increase the powers of the State Comptroller to approve major public authority contracts; and
- create a "Whistleblower Access and Assistance Program" to protect those individuals who report wrongdoing.

The bill passed both houses on a bi-partisan basis: June 17<sup>th</sup> in the State Assembly by a vote of 140 to 0 and in the State Senate on July 16<sup>th</sup> by a vote of 39 to 18.

We urge that the Governor approve this important reform legislation.

Sincerely,

Susan Lerner  
Common Cause/NY

Barbara Bartoletti  
League of women Voters/N.Y.S.

Blair Horner  
NYPIRG

Ruth Acker and Barbara Zucker  
Women's City Club of New York