§ 1279. Metropolitan transportation authority inspector general. 1. There is hereby created in the metropolitan transportation authority an office of metropolitan transportation authority inspector general. The inspector general shall be appointed by the governor with the advice and consent of the senate. The inspector general shall, prior to his appointment, have had at least ten years experience in the management of transportation services, in auditing and investigation of governmental operations, or in services related to management and productivity improvement. The term of office of the inspector general shall be five years from the effective date of appointment, and he shall serve at the pleasure of the governor. The salary of the inspector general shall be determined by the authority board.

2. The inspector general shall annually submit to the board of the metropolitan transportation authority a budget request for the operation of the office. If the board disapproves any portion of such request and the commissioner of transportation determines such disapproval to be unreasonable, such commissioner shall withhold from payments due such authority, the amount so determined to be unreasonable and transfer such amount to the office of the metropolitan transportation authority inspector general.

3. The inspector general shall have full and unrestricted access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence and any other materials of the authority and its subsidiaries, the Long Island railroad, metro-north railroad, metropolitan suburban bus authority and Staten Island rapid transit operating authority, of the Triborough bridge and tunnel authority, and of the New York city transit authority and its subsidiary, the Manhattan and Bronx surface transit operating authority, or any other agency that may come under the control of the authority, or within their custody or control.

4. The inspector general, notwithstanding the provisions of title nine of this article and this title, and of title three of article three, shall have the following functions, powers and duties:

(a) to receive and investigate complaints from any source or upon his

own initiative concerning alleged abuses, frauds and service deficiencies, including deficiencies in the maintenance and operation of facilities, relating to the authority and its subsidiaries as listed in subdivision two above, the Triborough bridge and tunnel authority and the New York city transit authority and its subsidiary;

(a-1) to receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by any police officer under the jurisdiction of the office of the metropolitan transportation authority and promptly inform the division of criminal justice services, in the form and manner as prescribed by the division, of such allegations and the progress of investigations related thereto unless special circumstances require confidentiality. Nothing in this paragraph shall require the division of criminal justice services to participate in the investigation of such allegations or take action or prevent the division of criminal justice services from taking action authorized pursuant to subdivision three of section eight hundred forty-five of the executive law in the time and manner determined by the commissioner of the division of criminal justice services.

(b) to initiate such reviews as he may deem appropriate of the operations of the authority and its subsidiaries as listed in subdivision two above, the Triborough bridge and tunnel authority, or the New York city transit authority and its subsidiary, in order to identify areas in which performance might be improved and available funds used more effectively;

(c) to recommend remedial actions to be taken by the authority and its subsidiaries as listed in subdivision two of this section, the Triborough bridge and tunnel authority, and the New York city transit authority and its subsidiary, to overcome or correct operating or maintenance deficiencies and inefficiencies that he determines to exist;

(d) to make available to appropriate law enforcement officials information and evidence which relate to criminal acts that he may obtain in carrying out his duties;

(e) to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as he may deem to be relevant to any inquiry or investigation undertaken pursuant to this section and to delegate such powers to a

duly authorized deputy inspector general;

(f) to monitor the implementation by the authority and its subsidiaries, the Triborough bridge and tunnel authority and the New York city transit authority and its subsidiary of recommendations made by the inspector general or other audit agencies; and

(g) to do all things necessary to carry out the functions, powers and duties set forth in this section.

5. The inspector general shall cooperate, consult and coordinate with the state public transportation safety board with regard to any activity concerning the operations of the metropolitan transportation authority. With respect to any accident on the facilities of the metropolitan transportation authority, the primary responsibility for investigation shall be that of the board which shall share its findings with the metropolitan transportation authority inspector general.

6. The inspector general shall make annual public reports on his findings and recommendations. Such a report shall be filed in the office of the governor and with the legislature on or before the first day of February for the preceding year. The metropolitan transportation authority and its applicable constituent agencies shall prepare a response to the annual report and to any and all other final reports made by the inspector general within thirty days of receipt, which time may be extended by the inspector general in his discretion, indicating whether such authority intends to implement the recommendations in such reports, and, if not, why not. In addition, the metropolitan transportation authority and its applicable constituent agencies shall give quarterly reports to the inspector general outlining the status of each of the recommendations made by the inspector general in his final reports. Copies of all of these reports shall be sent to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate transportation committee, the chairman of the senate finance committee, the chairman of the assembly corporations, authorities and commissions committee and the chairman of the assembly ways and means committee.

7. To effectuate the purposes of this section, the inspector general

may request from any department, board, bureau, commission, office or other agency of the state, or of any of its political subdivisions, such cooperation, assistance, services and data as will enable him to carry out his functions, powers and duties hereunder, and they are authorized and directed to provide said cooperation, assistance, services and data.