

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Martin J. Oberman

2. Position to which nominated:

Member, Surface Transportation Board

3. Date of Nomination:

4. Address (List current place of residence and office addresses):



5. Date and Place of Birth:

April 23, 1945 Springfield, Illinois

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

My spouse, Bonnie Oberman, is retired. We have two children, Justin, 43, and Maren, 40.

7. List all college and graduate degrees. Provide year and school attended.

Yale University, B.A. Psychology, 1966

University of Wisconsin Law School, J.D., 1969

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

1989 – present, attorney, sole practitioner

1988-89, partner, Gould and Ratner.

1975-87, Alderman, 43rd Ward, Chicago, Illinois

1977-81 (approximately) associate, Gottlieb and Schwartz

1973-74 General Counsel, Illinois Racing Board

1969-72, associate, Leibman, Williams, Bennett, Baird and Minow

Summer of 1968, law clerk, Friedman, Koven, Salzman, Koenigsberg, Shapiro, Specks, and Homer (firm no longer exists)

Summer of 1967, laborer Rock Road Construction Co.

9. Attach a copy of your resume.

Attached

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

*January-September, 2013, Member, Midway Airport Advisory Panel
Metra, Board member, October, 2013 to June, 2017
Chairman, February, 2014 to November, 2016
Board member, Chicago Metropolitan Agency for Planning, September, 2017-
present*

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

None, other than listed above

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

*Art Institute of Chicago
Beverly Country Club
Yale Club of New York
Chicago Council on Global Affairs
Chicago Architecture Foundation
Chicago Council of Lawyers. President, 1996-97
past member, American Bar Association*

(presently a member of all these organizations except the ABA. Cannot remember dates I first joined.)

To my knowledge, none of these organizations restrict membership.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

*Yes, I was a candidate for Alderman in Chicago in 1975, 1979, and 1983 and was elected each time. I was a candidate for Illinois Attorney General in 1981 (not on the ballot that year), 1986, and 1994 and was not elected.
There is no outstanding debt for any of these campaigns.*

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

I have not held any offices with a political party or rendered any services.

Contributions:

| | | |
|---|-------------|------------------------|
| <i>Oberman for Congress</i> | <i>2008</i> | <i>\$2,300</i> |
| <i>Democratic Senatorial Campaign Committee</i> | <i>2012</i> | <i>\$1,000</i> |
| <i>Friends of Dick Durbin</i> | <i>2011</i> | <i>\$500</i> |
| <i>ActBlue Illinois</i> | <i>2013</i> | <i>\$500</i> |
| <i>43rd Ward Democrats</i> | <i>2013</i> | <i>\$500</i> |
| <i>Friends of Michele Smith</i> | <i>2013</i> | <i>\$500</i> |
| <i>Friends of Michele Smith</i> | <i>2011</i> | <i>\$1,000</i> |
| <i>Oberman for Illinois</i> | <i>2009</i> | <i>\$2,000</i> |
| <i>Oberman for Illinois</i> | <i>2009</i> | <i>\$10,000 (loan)</i> |
| <i>Mayor Rahm Emanuel</i> | <i>2018</i> | <i>\$1,000</i> |

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

None since leaving the City Council in 1987

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

"Are Chicago Parks Free?" 1970 Wisconsin Law Review 515, attached

I have written numerous letters to the editor and op-ed pieces over the past 45 years. I have kept no record of these items.

As Chairman of Metra, I gave numerous public statements (none formal or written) about the status of Metra's budget, capital needs and other matters. I have no record of these statements. I have given no speeches relevant to the Surface Transportation Board.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

None.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or

employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

One of the STB's principal functions is adjudicating disputes over transportation matters. My 49 years as a practicing trial attorney, trying cases, and arguing appeals, has well equipped me to participate in the STB's decision making and to render decisions based on both the law and the facts.

As a railroad regulator, it is important that the STB understands how the railroad industry functions. My service as Chairman of Metra from 2014-16 required immersing myself in that industry in order to begin mastering its complexities. Serving on the STB will afford another important public service opportunity and will enable me to make a contribution to ensuring the efficient functioning of the railroad industry for all those who depend on it, including not only carriers and shippers, but also working men and women and the public at large, who depend on a healthy railroad industry for their livelihoods. Serving all of these interests is essential to the well-being of the nation's economy as a whole.

Because Metra operates in the Chicago terminal, the busiest railroad hub in North America, my chairmanship taught me to respect the importance of the sensible and reasonable regulation of railroads. Metra operates 753 commuter trains each day throughout the Chicago region, mostly on tracks it shares with Class I railroads and Amtrak. Given the central importance of the Chicago terminal to the nation's rail traffic, it was essential to quickly comprehend the major role that freight rail plays in the U.S. economy, and the necessity that passenger and freight rail work closely together in a cooperative manner, together with local and national governments, to ensure the optimal functioning of that economy. Further, one cannot assume leadership of a major commuter railroad such as Metra without being immediately impressed with the substantial ongoing capital investment needs of all railroads to operate safely and efficiently.

As Metra Chairman, I led the agency in formulating and adopting a 10-year capital program of just over \$2 billion dollars, primarily aimed at funding a renewal of Metra's rolling stock by acquiring more than 400 new rail cars and dozens of new locomotives over the 10-year period. The program included a plan to raise commuter fares each of the 10 years in order to fund debt service on a projected \$400 million bond issue to pay a portion of the \$2 billion cost. The plan was significant because in Metra's entire 30-year history, it had never developed such a capital plan for renewal of its rolling stock and had never provided an advance adoption of a 10-year fare increase plan which was much needed. Unfortunately, because of changes in capital funding by the State of Illinois, other fiscal setbacks, and difficulties in identifying appropriate manufacturers of rail cars, the plan has not yet been implemented as initially designed.

An important part of any agency's mission is to operate with integrity and efficiency. I became Chairman of Metra in 2014 at a time following major scandals involving Metra's top leadership in 2010 and again in 2013. Working closely with Metra's other board members and then-Executive Director Don Orseno, I led the effort to modernize Metra's corporate governance and to enact measures aimed at ending Metra's scandal-scarred history. Included in these changes were the implementation of a computerization of Metra's financial accounting and management systems, the creation of a professional internal audit department reporting directly to Metra's board, the adoption of a system to implement statutory anti-patronage rules which had been largely ignored in the past, and insisting on a more transparent agency culture and inclusive decision making among Metra's 11-member board. I believe all of these measures have put Metra on the path to operating as a professionally managed railroad corporation.

I will bring to STB service a life-long commitment to government's operating in an honest, transparent, and efficient manner. At Metra, I was adept at building and maintaining consensus among diverse stakeholders. I functioned as Chair in a bi-partisan manner. During my tenure as Chairman, there were only two roll call votes—of many dozens taken—that were not unanimous. At the STB, I will have an opportunity to apply my experience and leadership in service to the U.S. economy by working to ensure the continuation of a healthy railroad industry that serves the needs of the shipping public.

I will also bring to the STB a fresh outlook. At Metra, it became apparent that many aspects of the railroad industry operate on the basis of "that's always the way we have done it." Honoring precedent and not changing systems that are not broken are important values to which I adhere, and there are often sound reasons to continue operations and policies used in the past, particularly with respect to railroads. Nevertheless, it is also critical to be willing and able to question practices if they appear to be archaic and ineffective at meeting the changing needs of consumers and businesses or keeping pace with technological advancement and the global economy.

Congress recognized this need in the 2015 Reauthorization Act when it directed the STB to examine "whether current large rate case methodologies are sufficient, not unduly complex, and cost effective" and "whether alternative methodologies exist, or could be developed, to streamline, expedite, and address the complexity of large rate cases." My entire career has been based on a commitment to well thought-out approaches to setting government policy, pursued only after thorough homework and consultation with available experts while ensuring the participation of all stakeholders. That is the approach I will follow if confirmed to serve on the STB.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

While the Chairman has primary responsibility for managing the STB, all Board members must take responsibility to be timely informed of the agency's operations, and to assist and support the Chairman cooperatively in carrying out those responsibilities while holding the Board and all staff accountable for proper management and fiscal practices. Referring back to my recent experience as Chairman of Metra, I led and oversaw Metra's modernizing its management and fiscal accountability mechanisms. Other efforts I undertook to reform and modernize Metra discussed above have prepared me for the proper role of serving on a board of a large organization and holding all concerned accountable, while not micro-managing. This is the approach I would follow at the STB, if confirmed.

20. What do you believe to be the top three challenges facing the department/agency, and why?

- a. The Board needs to implement the mandates in the 2015 Reauthorization Act. The Congress (and others) have made it clear that the Board's approach to its economic regulatory function needs to be improved and determining appropriate approaches to this assignment is a top priority. In particular, examining the SAC test and exploring alternatives ranks high on the Board's needs. Further, in light of the changes in permitted Board member communications under the Reauthorization Act, the Board must act to ensure transparency and accountability as it moves forward under these new procedures. It is my understanding that the two current Board members have already enacted procedures to accomplish these requirements and the other Board members must reinforce and commit to those efforts.*
- b. The Board needs to examine and implement its new responsibility to initiate investigations to ensure proper service by the railroads. Because this is a new role for the Board, the Board needs to adopt measures for the careful and judicious exercise of this responsibility. While ensuring that the nation's economy is well served by a high functioning and healthy railroad system is a central responsibility of the Board, the Board must nevertheless maintain a proper perspective with respect to this newly granted power.*
- c. The Board needs to adopt and adhere to a timely and efficient decision-making process, both with respect to cases between parties and its rule making responsibilities. With additional new board members, the Board must quickly and efficiently address the backlog of pending matters and adopt efficient procedures going forward because the Board's constituents are entitled to timely and responsive decision making.*

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have practiced law as a sole practitioner for nearly 30 years and have recently wound down my law practice. My one remaining pending case is a contingent fee matter pending in the Illinois Appellate Court which I have made arrangements to refer to another lawyer if I am confirmed and would anticipate retaining a percentage of the fee if one is earned. It is my understanding that the OGE has approved this arrangement.

I am counsel in one other matter which has settled and in which I have been awarded a fee and am awaiting final distribution of funds.

Both of the above matters have no relationship to the STB or the federal government.

I have a profit sharing plan and a separate investment account, both of which have been fully disclosed on my 278 form. The OGE has indicated in my ethics agreement those investments which must be divested at the time I begin government service and I have committed to doing so.

I am also making arrangements for both investment accounts to acquire only exempt investments, such as mutual or index funds, going forward and during the time I would serve on the STB.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

None other than described above.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

See answer to 1, above. Those investments which would involve conflicts will be divested before beginning government service. Otherwise, none.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None, to my knowledge.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

As Chairman of Metra, I publicly advocated for the Congress to extend the deadline for implementation of PTC because it was physically impossible for Metra to create and activate such a system within the time originally allotted.

Also, as Chairman, I regularly met with members of the Illinois Congressional delegation to urge more federal funding for public transportation, such as Metra, which is in great need of additional funding.

I also had frequent communications with Amtrak urging a revision of the relationship between Metra and Amtrak concerning Union Station in Chicago.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I resigned from the Metra board in June, 2017 which will mean that my service on the STB, if confirmed, will be more than one year after leaving. I intend to closely monitor cases which might directly involve Metra and if I do not believe I can independently and objectively participate in such matters or if there is a concern about the appearance of impropriety, I would recuse myself from participation. I plan to seek advice and counsel on such matters from the STB's ethics officials should such situations arise.

Upon confirmation to the STB, I will completely terminate my law practice, which is nearly terminated at present, as discussed above.

I will also resign from my unpaid position on the Board of Chicago Metropolitan Agency for Planning.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None, other than what appears on my resume and as stated above.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes, I believe that congressional oversight is essential to our government's proper functioning and must be respected.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes

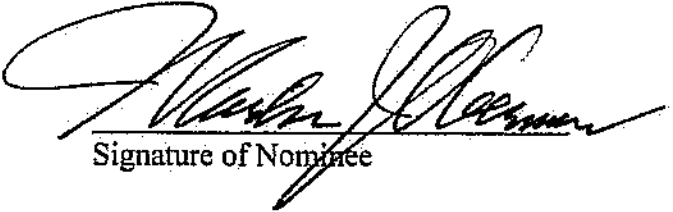
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes

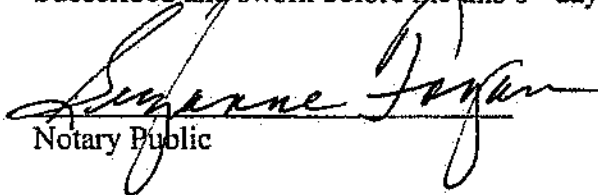
(Nominee is to include this signed affidavit along with answers to the above questions.)

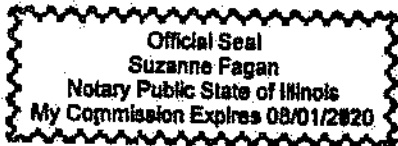
F. Affidavit

Martin J. Oberman being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.


Signature of Nominee

Subscribed and sworn before me this 6th day of June, 2018.


Notary Public



MARTIN J. OBERMAN

Office: 135 South LaSalle St., Suite 2200, Chicago, Illinois 60603 (312) 360-1800

CAREER EXPERIENCE:

Law

1989-present, complex civil litigation across a broad array of substantive matters, including medical and legal malpractice, commercial disputes, local taxation, constitutional rights, employment and university tenure discrimination issues, civil rights, consumer fraud, shareholders derivative, securities fraud, RICO violations, and land use. Argued appeals in federal and state appellate courts. Admitted to practice in the U.S. Supreme Court, Illinois Supreme Court, U.S. Courts of Appeals for the Third and Seventh Circuits, and the U.S. District Court for the Northern District of Illinois.

1988-89, partner, Gould and Ratner.

1979-81 associate, Gottlieb and Schwartz

1975-79, 1981-87, part time private law practice while serving in City Council.

1969-72, associate, Leibman, Williams, Bennett, Baird and Minow (now Sidley & Austin).

Bar Memberships

Chicago Council of Lawyers. President, 1996-97

Past member, American Bar Association

Past member, Chicago Bar Association

Government Service

September, 2017 – present Board member, Chicago Metropolitan Agency for Planning (CMAP)

February, 2014 – November, 2017 Chairman, Board of Directors, Metra

2013-2017 Member, Board of Directors, Metra

2013 Member, Midway Airport Advisory Panel, appointed by Mayor of Chicago

1987-88, Chair, Chicago's Shoreline Protection Commission. Directed wide-ranging group of experts, government representatives, and community leaders in producing detailed planning and engineering report for the complete rehabilitation of Chicago's shoreline while ensuring the highest degree of environmental protection.

1975-87, Alderman of Chicago's 43rd Ward.

- Engaged in detailed oversight of city budget and worked to achieve numerous cost-saving measures. Also worked for reforms to achieve a

MARTIN J. OBERMAN

page 2

more open budget-making process, a freedom of information law and other reform measures.

- Chair, mayoral *ad hoc* commission comprised of labor and management representatives appointed to develop municipal employee collective bargaining system in order to guaranty collective bargaining rights to city employees. 1979-80
- Chair, City Council Committee on Public Records and Information, 1983-86
- Examples of legislative priorities and achievements:
 - Created Planned Manufacturing District concept, first in the United States, to protect heavy industrial areas.
 - First Chicago alderman to champion community or neighborhood team policing, a ground-breaking concept at the time.
 - Chief sponsor and catalyst for numerous anti-corruption measures, structural reforms of city government, gay rights and non-smoking ordinances.
- Best Alderman award from Independent Voters of Illinois.

1973-74, first General Counsel to the Illinois Racing Board. Handled numerous assignments, including largely rewriting the Board's regulations, advancing far reaching proposals to prevent abuse through drugging, drafting a completely new statute for the industry, and conducting investigations of corrupt activities.

EDUCATION

University of Wisconsin Law School
Honors: Wisconsin Law Review, Note Editor, 1968-69
Order of the Coif
Juris Doctor, 1969

Yale University
Bachelor of Arts, Psychology, 1966

Culver Military Academy, 1962
Class valedictorian

PERSONAL

Married to Bonnie for 47 years. Two children, Justin and Maren.