

A program of the Intermodal Association of North America

August 16, 2017

Transmitted Via E-mail

TO: UIIA Participants
FROM: Debbie Sasko
AVP, Information Services
RE: Modifications to the UII Agreement

A memo was sent to all UIIA participants on June 21, 2017 advising that the Intermodal Interchange Executive Committee (IIEC) had unanimously approved proposed modifications to the following sections of the UIIA:

- **Section D.2. – Equipment Interchange Receipts, Item D.2.b.**
- **Section E.3. – Equipment Damage, Item E.3.a. (1)**
- **Exhibit D – Binding Arbitration Guidelines – Item D.3.**

The proposed revisions were forwarded to all UIIA participants for review and a thirty-day comment period, which closed on July 21, 2017. There was only one comment received on the proposed modification to Section D.2., Item B. related to the use of electronic EIRs and whether this change would impact AGS gate operations. The Committee reviewed the comment received and voted to move forward with the proposed revision. It was noted that the intent of the revised language is specific to the use of electronic EIRs at manned gate operations and it does not impact AGS facilities where recorded images are utilized to capture the equipment condition at the time of interchange in accordance with Section D.2.c. of the UIIA.

The effective date of these modifications will be September 16, 2017. For your convenience, the revisions are shown on the following page.

A copy of the full version of the UIIA Agreement that includes these changes can be obtained by going to the UIIA website at www.uiia.org and clicking on “Current UIIA Agreement” under Frequently Requested Information on the home page.

Attachment

cc: Joni Casey, IIEC Chair and President/CEO, IANA
Marc Blubaugh, IANA General Counsel

**Modifications to the UIIA
Effective September 16, 2017**

Revisions noted in “red” and deletions with strikethroughs.

1. Section D.2. Equipment Interchange Receipts

Adds new language to Section D.2.b. that outlines the requirements for electronic equipment interchange receipts.

New Section D.2., Item B. (remaining items in this section will be re-numbered to be sequential)

“Use of electronic EIRs requires that the Provider or the Facility Operator provide an electronic system whereby the Motor Carrier may describe electronically, the condition of the Equipment at the time of Interchange, without substantially burdening the Motor Carrier’s use of electronic EIRs at the same Premises, and that this information be incorporated as part of the electronic EIR.”

2. Revision to Section E.3. Damage to Equipment, Item E.3.a.(1)

Modifies language in Section E.3.a.(1) to clarify the supporting documentation that is required for billing of damage when a transaction occurs at an AGS gate.

Section E.3.a. (1)

Motor Carrier shall pay to Provider the reasonable and customary costs to repair Damages done to Equipment during Motor Carrier’s possession.

*1) To be valid, invoices must detail the repairs done; include a copy of the actual repair bill upon which the invoice is based and include the factual documentation supporting the Provider’s determination that the Motor Carrier is responsible. In instances where a copy of the actual repair bill is not available to Provider, documentation containing the repair vendor’s name, repair date, location and a control number that ties the documentation to the invoice provided to the Motor Carrier is acceptable, in lieu of the actual repair bill. In the case of **an** AGS gate transactions such documentation must include images depicting the condition of the Equipment at the time **of that Interchange.** ~~the Motor Carrier to be charged both accepted and returned the Equipment.~~*

3. Revision to Exhibit D, Binding Arbitration Guidelines, Item D.3.

Modifies language in Exhibit D, Item D.3. to modify the process for handling arbitration case decisions where the two modal panel members are unable to reach a consensus.

Exhibit D, Item D.3.

*A **two** ~~three~~-member arbitration panel will be appointed by IANA to handle disputed invoices submitted for arbitration. The panel will consist of one ~~IANA~~ **IIEC** member from each mode **involved in the dispute.** **In the event that the arbitrators from the involved modes cannot agree on a resolution of this dispute, a decision will be rendered by a majority of a senior panel consisting of the longest tenured IIEC member or alternate from each mode, as determined by the Chairperson.** ~~i.e. a Motor Carrier, Water Carrier and Railroad. However, the decision will be rendered by the two arbitrators representing the modes involved in the disputed invoice(s). The third appointed arbitrator from the mode not involved in the transaction will act as an alternate, and will render a decision only in the event the arbitrators from the involved modes cannot agree on a resolution of the dispute.~~*