

A program of the Intermodal Association of North America

May 6, 2019

Transmitted Via E-mail

TO: UIIA Participants

FROM: Debbie Sasko
AVP, Information Services

RE: Proposed Modifications to UII Agreement and Effective Date of UIIA Revisions

A memo was sent to all UIIA participants on March 4, 2019 advising that the Intermodal Interchange Executive Committee (IIEC) had proposed modifications to the following sections of the UIIA:

- **Participating Party Signature Page**
- **Section B. Definition of Terms, Item B.20. Notice**
- **Section E.2. Lost, Stolen or Destroyed Equipment, New Item E.2.**
- **Section G. General Terms**
 - **Item G.1. Entire Agreement**
 - **Item G.14. Notices, Item G.14.b.**
- **Exhibit A, Motor Carrier Pre-Trip Inspection, Item 10**
- **Exhibit C – Motor Carrier Responsibility During the Interchange Period**

The proposed revisions were forwarded to all UIIA participants for review and a thirty-day comment period, which closed on April 3, 2019. No comments were received with the exception of the new language under Section E.2.e. **Consequently, all modifications with the exception of Section E.2.e. will become effective on May 22, 2019.** For your convenience, these revisions are shown in Attachment A to this notice.

Six comments (two from MCs and four from EPs) were submitted regarding the proposed new language in Section E.2.e., which introduces a new requirement for EPs to notify MCs of outstanding interchanged equipment on a monthly basis. After consideration of the comments, the Committee unanimously voted to further modify the language to clarify that the intent of the EP's monthly notice was for informational purposes only and should there be any errors or omissions in the content of the data it would not relieve Parties from their interchange obligations under the UIIA.

The revised language is shown on the following page and is being forwarded to UIIA participants for an additional thirty-day comment period. All comments should be submitted in writing, via e-mail to debbie.sasko@intermodal.org by no later than June 5, 2019, in order to be considered.

Revision to Section E.2. Lost/Stolen or Destroyed Equipment, New Item E.2.e. (further revisions shown in “red” and deletions with strikethroughs)

Provider will notify the Motor Carrier electronically, at least once a month, of any outstanding Equipment that is shown on the Provider’s books as being interchanged under the Motor Carrier’s SCAC. ~~Notice Notification~~ will be provided in a data file format and include equipment identification number and date of interchange. **Notice is provided for information only; errors or omissions in the content do not relieve the Parties of their respective Interchange obligations.**

Attachment

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

Revisions to the UIIA Approved at the April 30, 2019 IIEC Meeting
Effective Date: May 22, 2019

- 1. Participating Party Signature Page and Section G.1. Entire Agreement** – Modifications clarify that the UIIA applies to both carrier and merchant haulage equipment interchanges.

Participating Party Signature Page

*The Party named below agrees that by executing the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA) it will be bound by the provisions of the UIIA, and subsequent amendments and/or revisions of that Agreement, and any addendum thereto, that does not conflict with the terms of this Agreement, which govern the interchange and use of Equipment in intermodal interchange service. The Provider named below agrees that in its interchange activities with Motor Carrier participants who are signatories to the Agreement, this Agreement will be the only Agreement it will use **and that this Agreement applies to all Interchanges of Equipment between the Parties**, unless superseded in whole by a separate bilateral written equipment interchange agreement.*

Section G.1. Entire Agreement

*This Agreement shall apply **to all Interchanges of Equipment between the Parties** unless it is superseded in whole by a separate bilateral written equipment interchange agreement.*

- 2. Section B. Definition of Terms, Item B.20. Notice and Section G.14.b. Notices** – Modifications establishes a new requirement that all notifications under the UIIA be sent electronically via e-mail and that invoices are considered a “Notice” as defined under Section B.20.

Section B.20

*Notice: A communication, **including invoices**, between Parties of this Agreement required by the terms of the Agreement.*

Section G.14.b. Notices

~~All Notices required under this Agreement from Motor Carrier to Provider, or from Provider to Motor Carrier, shall be in writing and sent via e-mail by confirmed facsimile or by first class mail, postage paid, and properly addressed to IANA. Alternatively, such written Notice can be personally served, sent by registered or certified mail, postage prepaid, or by a national overnight courier or delivery service, properly addressed to the individual shown in the UIIA subscriber record. Either Party, at any time, may change its address by written Notice to IANA via e-mail, fax or mail. The earlier of (1) the date of receipt or (2) three days after the date such written Notice is given in accordance with this Paragraph shall constitute the initial date of Notice in computing the elapsed time as specified in any Notice requirement in this Agreement.~~

- 3. Exhibit A – Motor Carrier Pre-trip Inspection, Item 10.** – Administrative edit to correct reference from “ICC” to “DOT”.

Rear Underride Guard (~~ICC~~ **DOT** Bumper”) (Check that Guard is in place and not bent under the frame.)

4. **Exhibit C – Motor Carrier Responsibility During the Interchange Period** – Modification to clarify the measurement of a bent underride guard must be three inches or more under the frame before it is considered a Motor Carrier's responsibility under Exhibit C. In addition, an administrative edit to correct the references to the term "Underride" so it is shown as one word versus two.

Cut or Torn (through the thickness of metal)

Metal door, gate, sheet, post, crossmember, brace or support

DOT Underride Guard

Bent (where proper operation or function of unit is impaired)

Metal door, gate, sheet, post, crossmember, brace or support

DOT Underride Guard **that is bent three inches or more under the frame**

Missing Items

DOT Underride Guard

Door or Gate

Removable side or section

Refrigeration unit parts