

# Overview of the Binding Arbitration Process



**UIIA**  
UNIFORM INTERMODAL  
INTERCHANGE AND FACILITIES  
ACCESS AGREEMENT™

## Binding Arbitration Process

- Implemented as part of the UIIA in August 2008
- Alternative method for UIIA participants to use for resolving issues relating to the dispute of Per Diem, Maintenance and Repair and Equipment Use/Rental charges.
- Exhibit D of the UIIA outlines the binding arbitration guidelines.
- **Binding Arbitration Metrics since inception:**
  - Total Number of cases submitted: 748
  - 479 cases met criteria:
    - 313 cases completed
    - 163 cases resolved prior to going through arbitration
    - 3 cases currently pending review
  - Case Decisions Rendered:
    - In favor of MC – 46%
    - In favor of EP – 41%
    - Split Decision - 13% (Decision split between both parties)

## Types of Claims Applicable for Binding Arbitration

- **Per Diem**
  - Including per diem charges related to lost/stolen equipment.
- **Maintenance and Repair**
- **Equipment Use/Rental Charges**

## How to Initiate Binding Arbitration Claim

- **Initial Dispute of Charges with EP** – Motor Carrier must initially dispute the charges with the specific EP in accordance with the dispute resolution process in the EP's addendum/Section H.1. of UIIA.
- **Complete Notice of Intent to Seek Binding Arbitration Form**
- **Provide credit card information for administrative fees**
  - \$50.00 Initiation Filing Fee – charged upon receipt of Notice of Intent Form
  - \$250.00 Binding Arbitration Fee – charged once the case goes to the arbitration panel.

## How to Initiate Binding Arbitration Claim – cont'd

- **Submit all required supporting documentation which includes –**
  - Basis of dispute must include:
    - Invoice date, Invoice number and amount being disputed
    - Date MC received the invoice and date EP responded to initial dispute
    - Specific provision of the UIIA that company is basing its dispute on.
  - Copies of the invoices being disputed
  - Out-gate and In-gate EIR documentation for each invoice being disputed
  - E-mail communication evidencing initial dispute of the claim with the Invoicing Party and the response of the Invoicing Party to the dispute. E-mails should be provided in date order.

## How to Initiate Binding Arbitration Claim – cont'd

- **Submit all required supporting documentation which includes –**
  - Any other documentation or evidence that the company believes supports its case. Examples of supporting documentation could be:
    - Copy of e-mail communications between your company and the Invoicing Party regarding the dispute.
    - If related to equipment return, dispatch records that show driver's attempt to gain access to the facility but was turned away prior to reaching the gate, turn away tickets or any other evidence supporting conditions that impacted your company's ability to pickup or return equipment.
    - For M & R claims, copies of the AGS images or any photos (should be in jpeg format)

## Exhibit D - Binding Arbitration Process

- Invoiced Party (Moving Party) must have initially disputed the charges thru the dispute resolution process contained in the EP's addendum or absent a process in the EP's addendum then dispute would be in accordance with Section H.1.
- Invoiced Party (Moving Party) must have met the established timeframe contained in the EP's addendum or Section H.1. for the initial dispute of the charges.
- Invoiced Party (Moving Party) will have 15 days from the Invoicing Party (Responding Party) response to the initial dispute to submit its claim for binding arbitration.

## Exhibit D - Binding Arbitration Process cont'd

- Motor Carriers may submit multiple invoice disputes under a single binding arbitration claim as long as all of the invoice disputes involve the same type of charges, identical facts and the same EP.
- When Notice of Intent form is provided, the Invoiced Party (Moving Party) must include all required documentation at the same time. If all required information is not included, the claim will be rejected and returned to the Invoiced Party (Responding Party).
- Notice of Intent form along with supporting documentation should be submitted to the UIIA office via e-mail at [Sherry.Parnell@intermodal.org](mailto:Sherry.Parnell@intermodal.org) or via fax to **(253)322-9985**. Alternatively, information may be mailed to the UIIA office at: **IANA, 11785 Beltsville Drive, Suite 1100, Calverton, MD 20705.**



## Exhibit D – Binding Arbitration Process cont'd

- Once Notice of Intent form along with supporting documents are provided, information will be reviewed to determine if the claim meets the criteria for submission.
- Upon review if it is determined that the submitted claim has already been addressed and resolved in a prior case:
  - Claim will be dismissed.
  - A copy of the previous decision will be forwarded to the Moving and Responding Parties.
  - The decision in former proceeding will apply to the current claim.
  - Moving & Responding Parties will have 10 days to provide addl. information on why the precedent decision does not apply to the current claim or why the previous decision poses a conflict with the Agreement.
  - Upon receipt and review of the information, IANA will commence the arbitration process.

## Exhibit D - Binding Arbitration Process – cont'd.

- If claim is determined to meet criteria, it will then be forwarded to the Invoicing Party (Responding Party) for comment. They will have 15 days to provide comments.
- Upon receipt of Invoicing Party's (Responding Party's) comments the case will be compiled for arbitration panel's review.
- No suspension of Invoiced Party's interchange privileges may occur that is related to the charges under arbitration.

## Exhibit D - Binding Arbitration Process

### Once Claim Goes to Arbitration Panel for Review & Determination

- Case will be sent to the modal arbitration panel members for review and determination.
- Arbitration panel members will have 45 days to render decision.
- Once decision has been rendered, both Invoiced Party (Moving Party) and Invoicing Party (Responding Party) will be notified.
- The party that case is found against will be responsible for the arbitration filing fee associated with the filing of the case.
- No appeal process is offered under the binding arbitration process. All decisions rendered by the panel are final.
- All arbitration case decisions are posted on the UIIA website and should be used as reference tool for parties contemplating submitting a claim to determine if a previous decision for a case with similar circumstances has already been rendered by the panel.

## Binding Arbitration Panel Members

- Currently the members of the Intermodal Interchange Executive Committee (IIEC) serve as the arbitration panel members.
- IANA maintains a monthly rotation schedule for the binding arbitration panel members. Each team receives 4 cases a month to review.
- Case is reviewed by the modal arbitration panel members. In the event the two modal panel members are unable to reach a consensus then the case will be reviewed by a senior arbitration panel team.
- The senior arbitration panel is comprised of the longest tenured IIEC members from the Motor Carrier, Rail and Ocean Carrier modes. The final determination will be rendered based on the majority decision.
- Arbitration panels will render their decisions based on the terms and conditions of the UIIA and/or the Providers' addenda.

# Question & Answer Session

## Contact Information:

**For more information or questions on the Binding Arbitration Process:**

**Toll-Free Telephone Number: 877-438-8442**

**General E-mail: [uiia@intermodal.org](mailto:uiia@intermodal.org)**

**UIIA Website: [www.uiia.org](http://www.uiia.org)**