

**A brief history and overview of**

# **The Uniform Intermodal Interchange & Facilities Access Agreement**



***Developed by and for the Intermodal Industry***

*A program of the Intermodal Association of North America*

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## THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES ACCESS AGREEMENT

### PURPOSE

The *Uniform Intermodal Interchange and Facilities Access Agreement*, or UIIA, is a standard bilateral industry contract between Intermodal motor carriers/drayage companies and ocean, rail carriers and/or leasing companies (Equipment Providers). The UIIA was developed as a means of achieving a degree of uniformity in the equipment interchange process. The Agreement clarifies that a Motor Carrier accessing an intermodal facility for the purpose of picking up or dropping of intermodal equipment, assumes the liability for his or her activity at the time they enter the facility. Participation in the Agreement is voluntary and carrier specific. In the event that a dispute arises between a Motor Carrier and Equipment Provider, either party can suspend or terminate the business relationship under this Agreement without jeopardizing the right to do business with other Participants.

The UIIA covers liability issues related to the interchange of Intermodal equipment (i.e. containers, chassis, etc.) between the two parties. It drastically reduces the paperwork burden for all parties by eliminating the need to execute individual, proprietary interchange contracts between Motor Carriers and each Equipment Provider. It also reduces the number of insurance filings that the Motor Carrier must provide to show proof of various coverages. Only one certificate is submitted to the UIIA from the Motor Carrier's insurance agent and this information is then disseminated to the individual Equipment Providers.

### HISTORY

The Agreement had its origins in the defunct Equipment Interchange Association (EIA), a former American Trucking Association's affiliate which administered the liability regime for the exchange of trailers among trucking companies in the 1960s and 1970s. At that time, ocean carriers and rail carriers largely used their own individual interchange agreements for intermodal equipment. This practice required intermodal stakeholders to enter into and administer countless bilateral equipment interchange agreements, which in turn resulted in substantial inefficiencies, misallocation of private resources, and unnecessary friction among ocean carriers, rail carriers, and motor carriers.

Eventually two separate Agreements existed – one for use by ocean carriers and Motor Carriers and one for use by Rail Carriers and Motor Carriers. The Uniform Equipment Interchange Agreements date from the late 1970's when a group of industry activists sought to fill a critical need in establishing liability in the transfer of intermodal equipment between owner/providers and users. In 1979, EIA formed an ad hoc committee to examine how it could expand the intermodal concept and recommended that a broader intermodal organization be formed to supplement EIA, which led to the formation of the Intermodal Transportation Association (ITA). In 1985, the newly formed ITA assumed the administration of the UIIA until the Intermodal Transportation Association (ITA), Intermodal Marketing Association (IMA) and National Railroad Intermodal Association (NRIA) merged to form the Intermodal Association of North America (IANA) in 1991.

Efforts were undertaken, under the leadership of IANA's President, to assess the value and validity of the Agreement in the rapidly evolving intermodal industry. A Task Force was appointed by the President to look at both the language of the interchange contract as well as IANA's systems capabilities to meet the needs of participants.

As part of this review process, Task Force members conducted meetings across the country with both participating and non-participating railroads and ocean carriers to assess the current value of the Agreement and its future validity. Current participants were asked how the Agreement could be improved to meet their evolving requirements. Non-participants were queried about the barriers to their involvement in the hopes that the Task Force could address them.

The revised Agreement was approved with a February 1, 1996 effective date.

## CURRENT NUMBER OF PARTICIPANTS (as of 09/06/24)

40 Ocean Carriers  
9 Railroads  
13 Leasing Companies/Chassis Pools/Non-Traditional EPs  
12,704 Motor Carriers

## PROGRAM ADMINISTRATION

The Uniform Intermodal Interchange and Facilities Access Agreement (UIIA) is administered by the Intermodal Interchange Executive Committee (IIEC) and is a program of the Intermodal Association of North America (IANA). The UIIA operates on the basis of a Business Review Letter (BRL) provided by the U.S. Department of Justice.

The President of the IANA serves as Chairman of the IIEC, which is a standing committee of the Association, that is comprised of representatives from each sector, Motor, Ocean, Rail, and Equipment Leasing Companies, that participate in the UIIA. Each year the IIEC Appointment Committee (IAC) conducts a review of the IIEC membership candidates and makes recommendations to the IANA Board for any changes. The final appointment of the IIEC membership is made by the IANA Board of Directors.

Under the Agreement's Administrative Procedures, participants may request an interpretation of existing language in the UIIA and petition for modifications to the Agreement. The IIEC meets periodically to consider pending requests for interpretation and/or modification to the terms of the Agreement and to continually review the base Agreement to ensure it reflects current industry business practices. In addition, the review of new Providers' addenda and also the review of requests for revisions to existing Providers' addenda are handled by the appropriate modal IIEC representatives.

### **Administrative functions performed under the Agreement:**

- Promotion of the Agreement to all modes of transportation;
- Collection and maintenance of executed Preambles to the Agreement, completed and signed by an authorized representative of the participating company;
- Collection and maintenance of insurance filings and other documentation (if required by the Provider) for all Motor Carriers participating in the Agreement.
- Collection and maintenance of additional insured information.
- Collection and maintenance of a comprehensive, corporate file for each Participant, including those companies that have discontinued participation. Files for deleted participants are retained for seven years.
- Maintenance of a customized web-based application.
- Official notification of any revisions to the base Agreement and/or amendments to EP addenda are provided to the appropriate participants.

### **Benefits and Features of the UIIA program include:**

- Eliminates signing separate interchange contracts for both Motor Carriers and Providers. Execution of the single UIIA Agreement covers those companies that both parties wish to do business with.
- Only one certificate of insurance has to be issued to cover the Motor Carrier under the UIIA for the Providers they wish to do business with and eliminates insurance certificate collection for Providers.
- Automated thirty and seven-day insurance expiration/renewal notifications to ensure timeliness and accuracy of policy data.
- Automated cancellation and reinstatement notifications are provided to Motor Carriers upon receipt of information that either cancels or reinstates their account.
- Each Motor Carrier record is cross-referenced against Providers' requirements to determine whether the Motor Carrier is valid to conduct business with that Provider. This information is then disseminated to the individual Provider via the data access method and frequency they have selected.
- Providers have access to real-time motor carrier status information 24 hours a day, 7 days a week with the UIIA Web Validator, via the internet. Detailed reporting features are also available through this feature.
- Online insurance submission by authorized agents is available to ensure insurance updates can be provided 24/7.
- Providers may opt to have motor carrier interchange status data transmitted via FTP, XML, API or via e-mail for integrating into their own internal systems. Subscription to IANA's Terminal Feed Service also allows this information to be sent electronically to Provider-designated terminals, container yards and depots.
- The UIIA offers a binding arbitration process as an alternative means of resolving invoice disputes for per diem, maintenance and repair and equipment use/rental charges between UIIA participants.
- IANA's Street Interchange Application is offered as a valued-added benefit to UIIA participants and provides an efficient web-based portal to facilitate street turns and street interchange transactions between Motor Carriers and Providers under the UIIA.

### **ADDENDA TO THE AGREEMENT**

Equipment Providers may include addenda to the Uniform Agreement that outlines commercial terms, conditions such as: free time, use charges, any specific insurance requirements not already required under the Agreement, and other terms set forth in the "UIIA Addendum Template". These terms are provided as information only and the UIIA is precluded from involvement in these commercial business areas.

IANA publishes these individually established Addenda, with the permission of the participating Equipment Provider, within the UIIA application to Motor Carrier participants to the Agreement. Motor Carriers are notified through an official notification procedure when an Addendum is amended or revised by a specific Equipment Provider.

Any questions you may have regarding the UIIA or IANA's administration of this program should be sent via e-mail to [uiia@intermodal.org](mailto:uiia@intermodal.org).

## UIIA Addenda Template

Listed below is the universe of economic issues that the Intermodal Interchange Executive Committee has approved for inclusion in each participating Provider's Addendum to the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA).

Providers who subscribe to this Agreement will utilize this template in creating their individual Addenda. They are not required, nor are they expected, to utilize every component listed below in creating their proprietary Addendum. For example, certain of the Addendum template provisions are more germane to rail-truck Interchange than water carrier-truck Interchange, and vice-versa.

The Parties may not use this Addendum to obviate or undermine the intent of the Agreement. For example, the Agreement contemplates certain reimbursements for the cost of repairs. The Parties may agree to limit the potential cost of those repairs, but such limitations may not be so restrictive that they would virtually eliminate responsibility for reimbursement.

It will be impermissible for Provider Agreement subscribers unilaterally to add other provisions to their individual Addendum to this Agreement. Requests for addition(s) to the universe of economic issues that can be utilized in an Addendum to this Agreement shall be submitted to the Intermodal Interchange Executive Committee for consideration as set forth in Part II, Implementation, Review, Interpretation and Modification Procedures.

### I. Notification and Free Time

- A. Start of Free Time
- B. Amount of Free Time
- C. Adjustments to Free Time (e.g., Weekends, Holidays, and Unroadworthy Equipment)
- D. Storage Charges Per 24-hour Period after Free Time Expiration

### II. Equipment Use Charges

- A. Type of Equipment
- B. Rate Schedules
  - a. Equipment Use / Rental Charge
  - b. Per Diem
  - c. Fees for Non-Standard Use
    1. Empty to Empty
    2. Crossover
    3. Failure to File Crossover Interchange
    4. Hazardous / Municipal Waste
    5. Misuse
    6. Misdelivery (including Adverse Movements)
    7. Migration
    8. Genset Fueling
    9. Cleaning

### III. Administrative Fees

- A. Credit Investigation for Self-Insured Motor Carrier
- B. Handling for Non-Per Diem Invoice Generation
- C. Reinstatement
- D. Request for Duplicate Interchange Documentation
- E. Street Turn
- F. Failure to Respond to Equipment Disposition
- G. Breach of Addendum Terms

### IV. Process for Invoice Dispute Resolution

### V. Processes for Equipment Damages and Repairs

- A. Determining Cost for Damage Repair
- B. Facilitating Repairs
- C. Determining Use Charges while Equipment is in Damaged Status

### VI. Operational Processes

- A. Load/Weight Restrictions
- B. Ordinary Maintenance
- C. Equipment Involved in an Accident
- D. Genset, Refrigerated, Tank, or other Specialized Equipment
- E. Other Operational Processes without Additional Charges

### VII. Provider Specific Requirements for Motor Carriers

- A. Safety Rating
- B. Financial Standing
- C. Driver Registration in IANA's Intermodal Driver Database
- D. Regulatory Compliance Procedures
- E. Facility Rule Compliance
- F. Carriage of Oversize or Out of Gauge Cargo

### VIII. Lost, Stolen, or Destroyed Equipment

- A. Suspension of Per Diem
- B. Disposition of Destroyed Equipment
- C. Disposition of Recovered Equipment

### IX. Insurance

- A. Amounts of Additional Required Coverage by Policy Type55
- B. Limitations on Rating Level of Insurer
- C. Self-Insurance and Maximum Permissible Deductibles