

How To Submit Binding Arbitration Claim Under the UIIA



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 and/or Maintenance and Repair charges.
- Exhibit D of the UIIA outlines the binding arbitration guidelines.
- **Binding Arbitration Metrics since inception:**
 - Total Number of cases submitted: 388
 - 245 cases met criteria:
 - 160 cases completed
 - 76 cases resolved prior to going through arbitration
 - 9 cases currently pending review
 - Case Decisions Rendered:
 - In favor of MC – 45%
 - In favor of EP – 40%
 - Split Decision - 15% (Decision split between both parties)

How to Initiate Binding Arbitration Claim



- **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 Arbitration Filing Fee – charged only if arbitration claim goes to the panel for review.
- **Submit all required supporting documentation which includes –**
 - Basis of dispute – must include specific section of the UIIA that company is basing its dispute on.
 - Copy of invoice being disputed –identifying date invoiced was received.
 - Out-gate and In-gate EIR documentation
 - If AGS recorded images provided for M & R claims these must be in jpeg format.
 - 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 must be provided in date order.
 - Any other documentation that the company believes supports its case.

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- 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.
- 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).

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- 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.
- 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.

Binding Arbitration Process – contd.



- Upon receipt of Invoicing Party's (Responding Party's) comments 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.

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 administrative fee associated with the filing of the case.
- No appeal process is offered under the binding arbitration process. All decision 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
- Case is reviewed by the modal arbitration panel members with the third panel member acting as alternate and rendering decision only in the event the modal arbitration panel members cannot reach a consensus.
- Panel's approach for reviewing and rendering case decisions



Question & Answer Session

Contact Information -

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

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General E-mail - uiia@intermodal.org

UIIA Website: www.uiia.org