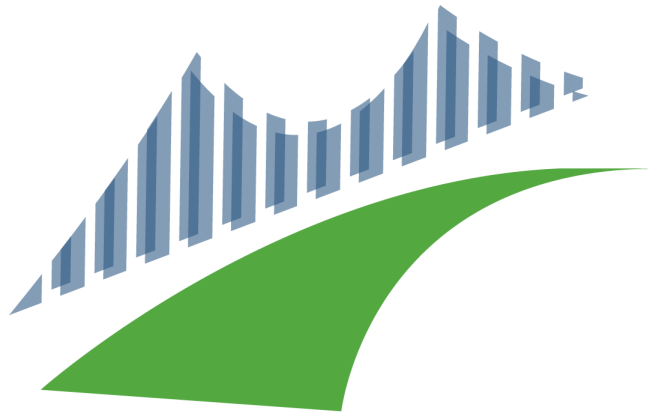




# *Bay Area* **Commuter Benefits Program**

## OPTION 4 GUIDE

Updated as of May 6, 2022

The Bay Area Commuter Benefits Program is a partnership led by the Metropolitan Transportation Commission and the Bay Area Air Quality Management District.



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## Bay Area Commuter Benefits Program

*Find a better way to work!*

### OPTION 4: ALTERNATIVE BENEFIT

The Bay Area Commuter Benefits Program includes a provision for employers to propose a unique commuter benefit (Option 4). This option may be especially relevant for employers whose work sites are not well served by transit. This guide is intended to assist employers in developing and implementing an alternative commuter benefit pursuant to Option 4. The guide contains information on alternative benefit options, as well as information on how an employer can submit its own alternative option, and the process for reviewing employer-proposed alternative options.

This guide describes three approaches to Option 4. Option 4A and Option 4B are intended to help employers develop alternative programs by choosing from a menu of potential measures. If an employer selects measures from the menu that meet the criteria for Option 4A or Option 4B, then the employer's alternative commuter benefit will be treated as "pre-approved."

Employers also have the flexibility to submit their own unique commuter benefit proposal via Option 4C. In the case of Option 4C, the Air District would need to review the proposed alternative benefit and determine that it would be as effective as the basic options.

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## “PRE-APPROVED” ALTERNATIVE COMMUTER BENEFIT OPTIONS

To help employers select an effective alternative benefit, and to streamline the review process, Air District and MTC staff have identified two ways that employers can develop a “pre-approved” unique commuter benefits program: Option 4A and Option 4B. The pre-approved options are intended to give employers flexibility in designing an alternative commuter benefits program appropriate for their worksite, while providing clarity as to how they meet the criteria for the Program.

If an employer proposes to offer an alternative commuter benefits program that conforms to the criteria for Option 4A or Option 4B described below, the proposal will comply with Program requirements.

**Option 4A:** Employer selects one primary plus at least two secondary (or primary) measures from the table below. **Option 4B:** Employer selects at least four secondary (or primary) measures from the table below.

| Primary Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Secondary Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <b>Carpool Subsidy</b> (\$3/day that employee carpools)<br><input type="checkbox"/> <b>Bicycle Subsidy</b> (\$20/month)<br><input type="checkbox"/> <b>Limited Telework Schedule</b><br><input type="checkbox"/> <b>Compressed Workweek</b><br><input type="checkbox"/> <b>Electric Vehicle Implementation</b> (fleet changeover, EV car share for employees, charging stations, etc.)<br><input type="checkbox"/> <b>Parking Cash-Out</b> (for employer’s who are subject to California’s statewide Parking Cash-Out law or if the employer opts to offer Parking Cash-Out even if it is not subject to the law) | <input type="checkbox"/> <b>Preferred parking for carpools</b><br><input type="checkbox"/> <b>Provide an employer-specific carpool match service</b><br><input type="checkbox"/> <b>Employer-provided membership in a car sharing program</b><br><input type="checkbox"/> <b>Participation in an emergency/guaranteed ride home program</b><br><input type="checkbox"/> <b>Secure, on-site bicycle parking</b><br><input type="checkbox"/> <b>Showers and lockers for employees who bike or walk</b><br><input type="checkbox"/> <b>Employer-sponsored Bike Share Program</b><br><input type="checkbox"/> <b>Employee commuting awards program</b> (ex: bonus vacation day, free lunch, gift card, etc.)<br><input type="checkbox"/> <b>On-site amenity</b> (ATM, café, catered lunch, on-site childcare, dry cleaning, etc.)<br><input type="checkbox"/> <b>Provision of a shared mechanism for viewing real time commuting info</b> (ex: flat screen monitor in lobby)<br><input type="checkbox"/> <b>Lunchtime shuttle</b><br><input type="checkbox"/> <b>Transit Subsidy</b> (at least \$1/day but less than \$3/day) |

For examples of pre-approved unique benefit options consistent with the parameters described above, see the following links:

- [Option 4A: Carpool Subsidy](#)
- [Option 4B: Carpool Promotion](#)
- [Option 4A: Bicycle Subsidy](#)

### Record-keeping

Employers are required to keep all records for whichever measures they employ that demonstrate implementation of the measure and compliance with the program.

### Primary Measures

See below for detailed guidance on each of the primary measures for Options 4A and 4B.

### Carpool Subsidy<sup>1</sup>

Many worksites throughout the Bay Area are not well served by transit and therefore carpooling may be a more viable option for a wide range of worksite sizes and geographic settings. Carpooling is a popular option among employees and is an effective means of reducing drive-alone commute trips. Employers that choose to offer a carpool subsidy (\$3 per day that an employee carpools) as a primary measure for Option 4A are encouraged to offer secondary options that will complement the carpool subsidy, such as preferred parking for carpoolers. For an example, see [Option 4A: Carpool Subsidy](#). To confirm carpool subsidy cannot be excluded from taxable income, employers will need to check with the IRS.gov website for recent regulations concerning transit benefits and tax policy.

### Bicycle Subsidy

IRS Tax Code does not allow employees to use pre-tax dollars to pay for bicycle commuting expenses. However, it does allow employers to provide a tax-free subsidy to offset an employee's bicycle commuting expenses (including the purchase of a bicycle, bicycle maintenance, and bicycle parking). For the purpose of the Program, a bicycle subsidy can be provided in conjunction with a transit/vanpool subsidy pursuant to Option 2, or as a primary measure pursuant to Option 4. For detailed information on qualifying bicycle expenses, see [IRS documentation](#).

### Limited Telework Schedule

Teleworking, also known as telecommuting, replaces travel to and from the worksite with telecommunications technologies. In addition to saving time and money for employees, teleworking can be an effective strategy for reducing drive-alone trips to and from the worksite. Teleworking is a perk that many employees consider very valuable, which can help employers attract and retain

the best workforce and improve employee productivity ([Per Global Workplace Analytics](#)).

### Option 4 Telework Compliance Versus Option 5 Telework Compliance

An employer can comply with the Commuter benefits program using a telework policy in one of two ways. The first is with a limited/restricted policy under Option 4. In this scenario, teleworking may be performed on a limited basis, and/or is only available to a portion of employees. This policy will count as a primary measure for compliance with Option 4, but the employer will still be required to select two additional secondary compliance measures to satisfy the Program requirements.

[Option 5 telework](#) allows the employer to comply solely with an organization-wide telework program. This policy allows any employee whose duties can be performed remotely to take advantage of teleworking. All participating employees will be allowed to work remotely at least 1 day a week.

**Additional Telework Guidance:** [Frequently Asked Questions](#), and other resources including the [Option 5 Guide](#), and the *Flex Your Commute* Telework Resources.

### Compressed Workweek Schedule

The term "compressed work week" (CWW) describes a schedule whereby an employee works a full-time schedule in fewer days than a normal five-day week. The most common versions of a CWW schedule include 4/10 (four days per week of 10-hour shifts) and a 9/80 (eight nine-hour shifts plus one eight-hour shift for every two-week period). Compressed work weeks can be an effective strategy for reducing drive-alone commute trips. Employees who compress their work week make

<sup>1</sup> The Program does not define the term "carpool." For the purpose of providing benefits for carpooling, the employer has the discretion to define a carpool as including either two or more vehicle occupants.

fewer commute trips, and they may also be able to avoid the peak commute time each day by arriving early and/or staying late. Benefits to employers may include extended hours of customer service and production.

**Implementation:** For the purpose of administering a compressed work week (CWW) schedule, the Air District and MTC recommend that an employer implement a [company-wide CWW policy](#), and suggest that employees who participate in a CWW use a 9/80 or 4/10 schedule.

### Plug-in Electric Vehicle Implementation

Plug-in electric vehicles (PEVs) significantly reduce tailpipe emissions of air pollutants and greenhouse gases. PEVs are therefore considered a viable alternative for Option 4, even though they do not directly reduce vehicle trips. Examples of electric vehicle implementation programs that may qualify for the purpose of complying with the Program by means of Option 4 include the installation of EV charging stations that are available for employees who drive PEVs, use of PEVs in the employer's vehicle fleet, PEV car-sharing for employees, and more.

See below for recommended EV programs:

**Plug-In Charging Stations:** Widespread adoption of PEVs requires more than just new vehicles, it also requires the creation of new infrastructure. Installing charging stations at the worksite(s) and providing employees access to those stations will provide an additional incentive to employees considering a PEV. For information on the different types of charging stations, and where and how to purchase one, see the [Bay Area PEV Ready website](#) and the report [“Electrify Your Business: Moving Forward with Electric Vehicles, A Business Guide.”](#)

**Fleet Changeover:** Businesses that switch their fleet from gas-powered to electric will yield immediate emissions reductions of air pollutants and greenhouse gases. There may be economic benefits from switching

to electric vehicles as well. According to a study by the Bay Area Council (linked below), operating costs for electric vehicles are much lower than for gasoline or diesel-powered vehicles, and the total cost of maintenance and insurance may also be less for PEVs. For more information on transitioning your company fleet from internal combustion to electric, see the report [“Electrify Your Business: Moving Forward with Electric Vehicles, A Business Guide.”](#)

**PEV car-sharing:** An employer-provided car-sharing program facilitates the use of commute modes such as ride-sharing, transit, bicycling or walking, because employees will have access to a vehicle at work should they need one. Employees who participate in car-sharing may be able to use the vehicle for personal use (such as for lunch or errands during lunch), for emergencies (such as a sick child) or for business use (where the employee may otherwise be required to use their own personal vehicle). A car-sharing program comprised of PEVs will provide greater emission reductions. Employers could further complement this measure by providing preferential parking for the car-sharing service. For additional information on car-sharing, including potential benefits and car-sharing operations, visit [UC-Berkeley's Transportation Sustainability Research Center](#).

### Parking Cash-Out

State law requires certain employers who provide subsidized parking for their employees to offer employees the option of taking a cash allowance in lieu of a parking space. This law is called the [parking cash-out program](#). The intent of the law is to reduce vehicle commute trips and emissions by offering employees the option of “cashing out” their subsidized parking space and taking transit, biking, walking, or carpooling to work. For more information on the parking cash-out law, including whether an employer must implement a parking cash-out program, visit the [California Air Resources Board's website](#).

Studies have shown that parking cash-out programs can be very effective in promoting the use of alternative commute modes. Parking cash-out programs may also result in savings from reduced parking costs, and employers could benefit financially from selling or leasing excess parking land, or use the space for a new building, equipment storage or green

space.

Employers can comply with the Program by means of Option 4A by implementing a parking cash-out policy in combination with at least two [secondary measures](#).

Additional information, including [case studies](#) are available.

## SECONDARY MEASURES

Information related to secondary measures for Options 4A and 4B is provided below.

### Carpool Subsidy

Many worksites throughout the Bay Area are not well served by transit and therefore carpooling may be a more viable option for a wide range of worksite sizes and geographic settings. Carpooling is a popular option among employees and is an effective means of reducing drive-alone commute trips. Employers may choose to offer a carpool subsidy of at least \$1 per day (but less than \$3/day) for each day that an employee carpools to work as a secondary measure for the purposes of complying via Option 4B. Employers who offer this measure are encouraged to provide additional secondary measures options that will complement the carpool subsidy, including preferred parking for carpoolers, an employer-specific carpool match service, and participation in a guaranteed ride home program. Employers need to check with the IRS.gov website for IRS regulations regarding transit benefits and tax policy.

### Bicycle Parking

Bicycle parking, storage and shower/changing facilities are important strategies for providing convenience and security for bicyclists at their place of employment. Major deterrents to bicycle transportation are inadequate facilities and fear of theft. Secure bicycle parking includes a properly designed bicycle rack in an appropriate (and safe) location. Alternatively, employers may allow employees to bring their bicycles into their offices or workstations. Things to consider when implementing bicycle parking/storage and/or shower facilities:

- **Parking:** Consider offering short-term and long-term bicycle parking. Short-term parking requires a high degree of convenience (close to destination) and should be protected from the weather to the extent feasible. Long-term parking requires a high degree of security and weather protection. Complementary items include nearby lockers, and/or storage rooms.

- **Visibility:** Bicycle racks should be visible to deter theft and vandalism.
- **Security:** Include adequate lighting and surveillance, and perhaps fencing. Bicycle racks or lockers should be well anchored to the ground.
- **Weather Protection:** Use an existing overhang or covered walkway, a special covering, or an indoor storage area.
- **Adequate space/clearance:** Give cyclists enough room to maneuver.

Detailed suggestions for selecting and [locating bicycle parking and storage facilities](#) and bicycle rack vendors are available.

### Showers and/or Lockers for Employees who Bicycle/Walk

Providing employees with a place to shower, change, and/or store clothes can encourage bicycling or walking to work. As a co-benefit, these types of facilities can also benefit employees who exercise before work or during breaks. Strategies for including shower/change facilities include:

- Showers and lockers installed in new or retrofitted buildings.
- Showers and lockers can sometimes be added to existing restrooms. A single shower stall and space to change typically requires a 6 foot by 4-foot space.
- Several businesses located close together, or as part of a TMA, could establish a shared shower/change facility with lockers.
- Employers could arrange for employees to be able to access shower/change facilities and lockers at a nearby fitness center (the hours of operation should be taken into consideration).

### Employer-Sponsored Bike-Share Program

Employer-sponsored bike sharing is an incentive to encourage ridesharing, taking transit, or walking to work. A bike-sharing program is typically designed to provide convenient loaner bicycles intended for short trips, including to business-related meetings or functions. Employers could simply purchase bicycles/helmets and provide them to employees free of charge. Employers could also participate in a corporate partnership program with a public bike-sharing program (such as [Bay Wheels](#)).

### Preferred Parking for Carpools & Vanpools

Preferred parking can be an incentive to encourage carpooling, and parking spaces can be designated for individual carpools or ride-sharers in general on a first-come, first-served basis. To be effective, designated spaces should be provided in the most desirable location(s): near the building entrance(s), covered, and/or attended. Even employees with abundant parking options will enjoy parking closer to the building. At worksites where parking supply is less than demand, the effectiveness of preferred carpool parking will be even greater.

### Employer-Specific Carpool Match Service

511's [Merge](#) can help you develop a customized and comprehensive worksite transportation program, including ride matching for carpool and vanpool programs. Co-workers can be instantly matched with carpool partners making the same drive with Merge. The [Bay Area Vanpool Program](#) can also help companies start vanpools that help employees save money and help employers reduce greenhouse gasses and parking needs. There are other free commercial applications offering products and services such as employer-specific carpool match service. Please go to: [511.org](#) for more information. A list of these other commute solutions is also available on the [Benefit Providers List](#).

### Employer-Provided Membership in a Car-Sharing Service

Employer-provided membership with car-sharing service (such as [Zipcar](#), [GigCarshare](#), [Enterprise](#)

[CarShare](#), [GetAround](#)) facilitates ridesharing, taking transit, bicycling, or walking to work because, if needed employees will have access to a vehicle. Employees who participate in car-sharing may be able to use the vehicle for personal use (such as for lunch or errands during lunch), for emergencies (such as a sick child), or for business use (where the employee may otherwise be required to use their own personal vehicle). Employers could further complement this measure by providing preferential parking for the car-sharing service. For additional information on car-sharing, including potential benefits and car-sharing operations, visit [UC-Berkeley's Transportation Sustainability Research Center](#).

### Guaranteed Ride Home (Emergency Ride Home)

Guaranteed ride home (GRH) programs, also known as emergency ride home (ERH), provide an occasional subsidized ride to commuters who use alternative modes, such as ridesharing, bicycling or taking transit. For example, if a bus rider must return home for an emergency, or a carpooler or vanpooler must stay at work later than expected, the guaranteed ride home program will provide them with a subsidized taxi, company vehicle or rental car ride home (or to their child's school if need be, etc.).

There are many GRH programs throughout the Bay Area; see [Guaranteed/Emergency Ride Home Programs](#) for more details. Employers in counties not offering a GRH/ERH program can get guidance by visiting [511's Employer Resources](#) section to setup their own GRH service (with local taxi or other transportation providers such as a ride hailing app).

Requirement: To use GRH as an element of an alternative commuter benefit for the purpose of complying with the Program by means of Option 4,

employers must participate via a county program that offers one or adopt a company-wide GRH policy for all Bay Area worksites.

### Employee Commuting Awards Program

Employee commuting awards are an informal strategy for incentivizing employees to commute via ridesharing, transit, bicycling or walking. Commuting awards may also increase employee morale and mood. The type or value of the commute award is up to the employer. Suggestions include gift certificates, bonus vacation day, tickets to sporting events, etc. How a winner is selected is also up to the employer. Commuting Awards should be provided on a regular basis, ideally on a monthly or quarterly basis. Guidance for [offering and implementing an employee commuting awards program](#) is available from Best Workplaces for Commuters.

### On-site Amenity

Providing employees with an on-site amenity such as on-site childcare, restaurants or shops reduces the need to drive for errands and acts as a complement to other types of incentives for ridesharing, taking transit, bicycling, or walking. The type of on-site amenity provided is up to the employer.

### Provision of a Shared Mechanism for Viewing Real-Time Commuting Information

Screens which display real-time transportation information encourage commuters to use alternative modes. [Action Figure](#) is a web-based app that allows employers to build a custom page to display nearby real-time bus and train departure times for a number of Bay Area transit agencies including BART, MUNI, AC Transit, Dumbarton Express, SamTrans, VTA, WestCAT, and Caltrain. Once a display is created, it can be viewed on a smart phone, tablet, desktop computer, and web-enabled kiosk or television. This allows employees to quickly and easily see what type of transportation is available and nearby, and when it will depart. The goal is for employees to consider all their travel options and re-consider driving alone. Screens should be

placed in high-trafficked areas or made available to all employees.

There are other free commercial applications offering products and services such as real time transit information.

### Lunchtime Shuttle

Providing employees with a mid-day shuttle to shopping and dining options near the worksite reduces the need for employees to drive to work. The concept is similar to that of providing on-site amenities. The lunchtime shuttle should be provided to employees for a low cost (as defined in Option 3) or for free. The details of the shuttle service are at the discretion of the employer.

## EMPLOYER-PROPOSED ALTERNATIVE BENEFIT (OPTION 4C)

In addition to the “pre-approved” ways to comply with the Bay Area Commuter Benefits Program via Option 4 described above, the Program also allows employers to propose their own unique commuter benefit. This is known as Option 4C.

To propose an alternative benefit, employers should complete the online registration form and select Option 4C. The registration form requires the employer to provide a brief description of their proposed alternative commuter benefit, and to explain why the proposed alternative would be appropriate and effective in reducing vehicle trips (or vehicle emissions) to the worksite(s).

For purposes of Option 4C, an employer-proposed alternative must be effective in reducing drive-alone commute trips. Air District staff will review the employer’s proposal and may contact the employer for additional information. Air

District staff will notify the employer within 30 days as to whether the employer’s proposed alternative has been approved.

### Evaluation Criteria for Option 4C

The basic criteria that Air District staff will use to review and evaluate employer-proposed alternative commuter benefits pursuant to Option 4C are as follows:

1. The proposed alternative commuter benefit must be as effective in reducing drive-alone commuter trips as any of the four basic options (i.e., Options 1, 2, 3, or 5).
2. Alternatives should achieve direct reductions in vehicle trips and/or vehicle emissions.
3. There should be a mechanism to verify the results or document the effectiveness of the alternative commuter benefits.

## APPENDICES

### Carpool Subsidy Option

The employer would offer one primary benefit and two secondary benefits focused on carpooling:

- ☐ Carpool Subsidy (\$3/day that employee carpools)
- ☐ Preferred parking for carpools

*Plus one additional Secondary Measure of the employer's choice.*

### Carpool Promotion Option

The employer would offer four (4) secondary benefits focused on carpooling

- ☐ Preferred parking for carpools
- ☐ Participation in an emergency/guaranteed ride home program

*Plus 2 additional Secondary Measures of the employer's choice.*

### Bicycle Option

The employer would offer one primary benefit and two secondary benefits focused on bicycling

- ☐ Bicycle Subsidy (\$20/month)
- ☐ Secure, on-site bicycle parking

*Plus at least one additional Secondary Measure of the employer's choice.*

## Compressed Work Week Model Policy

*This model policy is intended to act as a guideline and framework for employers choosing to adopt a Compressed Work Week schedule. Employers should modify and edit this document to reflect their company and company policies.*

### Purpose

The Compressed Work Week (CWW) Policy supports alternative schedules as a strategy to:

- Provide workplace flexibility and job satisfaction for staff whose responsibilities are suitable for compressed work week schedules.
- Recruit and retain staff that may not live in close proximity to the worksite(s).
- Increase productivity and reduce possible burnout by providing alternative work schedules.
- Reduce greenhouse gas emissions resulting from reduced means of commuting to work.
- Comply with the Bay Area Commuter Benefits Program.

CWW schedules may not be appropriate for all positions and will depend on individual job functions.

### Policy

CWW schedules are currently available for staff performing the following functions\_\_\_\_\_. CWW schedules are not suitable for all positions/functions.

Participating in a CWW schedule on a regular or short-term basis requires completion of the Compressed Work Week Agreement by the employee and\_\_\_\_\_. CWW as a temporary arrangement requires a verbal or written approval from\_\_\_\_\_.

All CWW agreements are for a maximum of 12 months with an initial probationary period of 3 months. After which time the agreement will be reviewed and a new agreement established by the employee, supervisor, and\_\_\_\_\_.

Employees and supervisors must agree on a CWW schedule. If this changes, the Compressed Work Week Agreement must be updated to reflect the new schedule.

The Compressed Work Week Agreement is only approved between the employee and the signing the agreement. If the employee changes positions or is assigned to a new supervisor, a new agreement will need to be decided upon between the employee and\_\_\_\_\_.

### Guidelines

CWW schedules may be approved for employees taking into consideration the following:

- A CWW schedule is feasible based on the type of work the employee is expected to perform.
- The employee has successfully completed his/her probationary hiring period (if applicable).
- The supervisor believes that the employee is able to maintain the expected quantity and quality of work while on a CWW schedule.
- The CWW arrangement does not place any added workload on other staff.

## Guaranteed Ride Home Model Policy

*This model policy is intended to act as a guideline and framework for employer's choosing to adopt a Guaranteed Ride Home Policy. Employers should modify and edit this document to reflect their company and company policies.*

### Purpose

The Guaranteed Ride Home (GRH) Policy is a supporting strategy to:

- Promote the use of non-drive alone commute modes to/from the worksite.
- Provide workplace flexibility and job satisfaction.
- Reduce greenhouse gas emissions resulting from various means of commuting to work.
- Comply with the Bay Area Commuter Benefits Program.

### Policy

Employee Eligibility: GRH is currently available to all eligible employees. Eligible employees include.

Trip Eligibility: *The program could cover any trip, or it could be limited to unexpected business appointments, employee, or family member sickness, etc.*

The maximum number of uses allowed during a \_\_\_\_\_ (month, quarter, year) is \_\_\_\_\_, or the maximum cost per \_\_\_\_\_ (month, quarter, year) is \_\_\_\_\_, whichever is less.

Implementation: Staff is responsible for implementing the GRH program.

Appropriate forms: Voucher system; pre-paid debit/credit cards; company credit cards; cash reimbursement.

Procedures for using the GRH service: *insert what transportation provider employees should use, state whether it will be a voucher system or cash system with reimbursement, and who will track the GRH use, etc.*

### No Endorsement of Third-Party Websites, Products, or Services

The website currently accessible at 511.org is owned and operated by the Metropolitan Transportation Commission ("we", "our," or "us"). The Site or the Services may contain or feature references (including without limitation advertisements, hypertext or other links to other websites or applications) that are not owned, operated, controlled, or reviewed by us. These references and links are provided solely as a courtesy and convenience to you and do not constitute sponsorship, endorsement, or recommendation by us or other affiliation with us. We specifically disclaim any and all liability from damages that may result from the accessing or use of any third-party websites or third-party software applications.